No. 00-189

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In The

Supreme Court of the United States

STATE OF IDAHO,

Petitioner,

v.

UNITED STATES OF AMERICA, ET AL.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

JOINT APPENDIX
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HOUSE OF REPRESENTATIVES

51st CONGRESS, *1st Session.*

REPORT No. 1109.

RATIFICATION OF COEUR D'ALENE INDIAN TREATIES IN IDAHO.

March 28, 1890, – Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Du Bois, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany H. R. 7703.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7703) "to ratify and confirm certain agreements with the Coeur d'Alene Indians in Idaho Territory, and to make the necessary appropriations for carrying the same into effect, and for other purposes therein named," having had the same under consideration, report as follows:

Your committee recommend the passage of this bill, the object of which is to ratify and confirm two certain agreements heretofore made with the Coeur d'Alene Indians in Idaho Territory, to make the necessary appropriations for carrying the same into effect, and for other purposes therein named.

These two treaties and a bill similar to this bill, to wit, Senate bill No. 2828, Fifty-first Congress, first session, have been duly submitted to and had the full consideration and favorable action of the honorable Secretary of the Interior, Commissioner of Indian Affairs, and the Commissioner of the General Land Office, as will be seen set forth in Exhibits A, B, C, D, hereto attached and made parts hereof.

On August 14, 1848, and for generations long prior thereto, the tribe of Coeur d'Alene Indians were in possession of and claimed to own the lands described in this bill and in said two treaties. On August 14, 1848, in the act " to establish the Territorial government of Oregon" (9 U.S. Stat., 323, sec. 1), Congress, when organizing the government for the Territory of Oregon, declared:

That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall be unextinguished by treaty between the United States and such Indians, or to affect the authority of the Government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the Government to make if this act had never passed.

On August 14, 1848, all the lands described in this bill and in these two treaties were wholly situate within the geographical limits of the Territory of Oregon.

On March 2, 1853 (10 U.S. Stat., 172) Congress passed an act "to establish the Territorial government of Washington," wherein it was provided:

That nothing in this act contained shall be construed to affect the authority of the Government of the United States to make any regulations respecting the Indians of said Territory, their lands, property, or other rights, by treaty, law, or otherwise, which would have been competent to the Government to make if this act had never been passed.

By virtue of this act all of said lands fell wholly within the Territory of Washington and so continued until March 3, 1863, when Congress organized the present Territory of Idaho (12 U.S. Stat., 808), by virtue of which last act the lands referred to and described in the first of these two treaties fell partly in Washington Territory and partly in Idaho Territory, while the lands described in the second of these two treaties fell exclusively in the Territory of Idaho.

In the second section of the act "to establish the Territorial government of Washington" (10 U.S. Stat., 173) the governor of said Territory was authorized to perform the duties of superintendent of Indian affairs.

In Section 1 of the act to provide for the temporary government of Idaho, Congress provided:

That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribes, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory.

On March 3, 1853 (10 U.S. Stat., 238), Congress passed an act authorizing the President of the United States to enter into negotiations with the Indian tribes west of the States of Missouri and Iowa, for the purpose of securing the assent of said tribes to settlement by the citizens of the United States upon the lands claimed by said Indians and for the purpose of extinguishing the title of said Indian tribes to said lands, and appropriated the sum of $50,000 for the due execution of said act.

In the execution of this act of Congress, instructions were duly issued to the superintendent of Indian affairs of Oregon, Joel Palmer; to the superintendent of Indian affairs of Washington, Isaac I. Stevens; and to the superintendent of Indian affairs of Nebraska, Alfred Cumming, (the west boundary of Nebraska at that time being the summit of the Rocky Mountains and the north boundary of which was the forty-ninth parallel), to make treaties with all the Indians of said three Territories.

In the execution of these instructions treaties were duly made as set forth in a table attached hereto and marked Exhibit E.

From the recitals in Exhibit E it will appear that treaties were made between the United States and all the Indians claiming lands situate in Washington Territory, with the exception of the Coeur d'Alenes, Spokanes, Lawer [sic] Kootenais, Lower Pend d'Oreilles, and the Indians situate in the middle basin of the Upper Columbia in the vicinity of Colville and Okanagan, which Indian tribes claimed lands between the summit of the Cascade Mountains on the west, the forty-ninth parallel on the north, the summit of the Bitter Root or Coeur

d'Alene Mountains on the east, and the country of the Paloose on the south.

The reasons why treaties were not made with these particular tribes of Indians so named at that time are very fully set forth in a letter and report, copy of which is attached hereto and marked Exhibit F.

No treaty having been made with these Coeur d'Alene Indians by the superintendent of Indian affairs of Washington Territory as was made with the other Indians of said Territory under the aforesaid authorization of Congress, in the spring of 1858 Col. Steptoe, U.S. Army, with a large mounted military force, entered the country of these Coeur d'Alene Indians and that of the Spokanes, for the purpose, chiefly, of making a military reconnaissance; but certain of the Coeur d'Alenes and of the Spokane Indians, misconstruing the purposes of the Government of the United States by this military movement and laboring under the impression that their country was to be forcibly taken possession of by the troops of the United States, made an attack on said troops, defeated them, and drove them from their country. For the purpose of chastising said Indians for their said acts, the Government sent another and larger military force into their country under General George Wright in the summer of 1858, who whipped, thoroughly subdued said Coeur d'Alene and Spokane Indians and made a treaty only of peace with them at the old Coeur d'Alene Mission in Idaho in 1858.

At this treaty the grievances of these two tribes of Indians were recited by them, and they were left under the impression that the Government of the United States

would thereafter act justly and fairly toward them, so far at least as their lands were concerned. Nothing, however, was done in this direction prior to October 30, 1885, on which date Seltice, then and now the chief of the Coeur d'Alene Indians, addressed a letter to Hon. W. S. Holman, then chairman of the select committee of the House of Representatives authorized to visit the Indians and Indian reservations west of the Rocky Mountains, accompanied with a copy of a petition which on March 23, 1885, had been addressed by said Coeur d'Alene Indians to the President of the United States, Secretary of the Interior, and Commissioner of Indian Affairs, a copy of which correspondence and petition is printed in the appendix, attached hereto and marked Exhibit G[1], G[2], G[3], G[4], G[5], G[6]. To this letter and petition Hon. W. S. Holman made reply that said subject-matter of said letter, etc., of Seltice was not within the jurisdiction of his said committee, and thereupon he referred the whole subject-matter on March 31, 1886, to the honorable Secretary of the Interior, Mr. Lamar. (See Exhibit H.)

Nothing having been successfully done after this last effort to treat with said Indians, thereafter, to wit, on January 10, 1886, Rev. Joseph M. Cataldo, S. J. superior of the missions of the Rocky Mountains, addressed a letter to Capt. John Mullan, of Washington, D.C. (a friend then and now of the Coeur d'Alene and Spokane Indians, who had been favorably identified with them from 1854 to 1886, who knew their country and its value, who had thoroughly explored it in order to locate the line of the Northern Pacific Railroad route, who built through their said lands a United States military road while an officer of the United States Army, and who was aid to General

Wright in his said military operations in the field against these Indians in 1858, and who was present at the making of the said treaty of peace in 1858 between General Wright and said Indians, in behalf of the Spokane Indians, a copy of which letter is printed in the appendix herewith, marked Exhibit J. This letter was replied to on February 5, 1886, by Capt. John Mullan, in a report copy of which is printed in the appendix and marked Exhibit F, wherein referring to the Coeur d'Alene Indians he recited some of the wrongs done them, and in suggesting a remedy therefor he recommended that Congress make an appropriation of not less than $10,000 to defray the expenses of a commission which he recommended should be appointed to treat with (among others) these Indians for the cession of the lands described in the first of said two treaties.

This report and recommendation was duly submitted to the Interior Department, and transmitted to the Senate in response to are [sic] solution of that body, for its consideration and action, and which resulted finally in the insertion in the act of Congress approved June 30, 1887 (24 U.S. Stat., 44), an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes," of an item authorizing a treaty to be made with said Coeur d'Alene Indians and others as in said act recited.

Under the provisions of this act of Congress, commissioners were duly appointed by the United States who negotiated the first of these two treaties, by virtue of which the Indian title will be extinguished to about

2,750,000 acres of land, more or less, should this bill become a law.

This treaty so negotiated was presented to the Fiftieth Congress, but not ratified for sundry reasons, among which was a desire on the part of the United States to acquire an additional area, to wit, a certain valuable portion of the reservation specially dedicated to the exclusive use of said Indians under an Executive order of 1873, and which portion of said lands, situate on the northern end of said reservation, is valuable and necessary to the citizens of the United States for sundry reasons. It contains numerous, extensive, and valuable mineral ledges. It contains large bodies of valuable timber accessible to and necessary to develop the extensive and rich Coeur d'Alene mines, situated within the limits of the land described in the first treaty, title to which the Indians have agreed to cede to the United States under the first of said treaties now asked to be ratified. It contains a magnificent sheet of water, the Coeur d'Alene Lake. and its chief tributary, to wit, the Coeur d'Alene River, over the waters of which steamers now ply daily from the city of Coeur d'Alene to the old Coeur d'Alene Mission, there connecting with a railway system penetrating into the very heart of said Coeur d'Alene mineral belt. It also controls the outlet of said lake, to wit, the Spokane River. It also includes the region of country along which the Northern Pacific Railroad Company has projected its branch line, from Rathdrum in Idaho via Fort Coeur d'Alene, destined, no doubt, to make a connection ultimately with its main trunk at Missoula, in Montana. It also includes the rich and extensive valley of the Coeur d'Alene River, containing rich hay meadows

which the said Indians as yet have never utilized, but which are of great value to said Coeur d'Alene mining belt.

The total area acquired by the United States under these two treaties, proposed and agreed to be ceded by the Coeur d'Alene Indians, aggregates about 3,000,000 acres more or less, secured at a total cost of $650,000, making an average cost of about 22 cents, more or less, per acre.

The first of these two treaties is sought to be ratified and confirmed in section 1 of this bill. The second of these two treaties is sought to be ratified and confirmed in section 2 of this bill. Sections 3 and 4 of this bill simply set forth the detailed provisions for the purpose of executing said two treaties in strict conformity with the terms of and in strict conformity with the request of said Indians as recited in said treaties. The lands agreed to be ceded by these Indians, while of great value to said Indians, yet are of greater, if not inestimable, value to the citizens of the United States in the eastern portion of the State of Washington and northern portion of the Territory of Idaho. The equivalent to be received from the United States by these Indians for these cessions of land will enable them to put up saw and grist mills, which now they have not; to improve their farms, which are now being cultivated in an entirely different portion of their present Reservation, to wit, the central and southern portion thereof. The lands so agreed to be ceded do not include a single cultivated farm of said Indians, so far as is now known.

The Coeur d'Alene Indians are advanced in civilization, agriculture, stock raising, and varied husbandry further, probably, than any Indians west of the Rocky Mountains, unless it be the Flatheads. Their farms are inclosed with six, seven, and eight Virginia rail fences; their houses are made of logs or lumber; hogs, cows, horses, and poultry of all kinds are to be seen around almost every farm house; reapers, headers, plows, farming and garden implements, heavy and spring wagons, buggies and American harness, in their possession, all bespeak the progress that these Indians have made in advancing civilization. They are all fully competent to guard, care for, save, or judiciously invest in the improvements of their farms, and otherwise, whatsoever sums of money may be paid to them by the United States under these two treaties. They possess a high order of intelligence, and know when and how to make proper treaties, agreements, or contracts wherever their own interests are involved, whether the same are to be made with the United States or with private individuals.

Section 5 of this bill, prior to restoring to the mass of the public domain the land so sought to be ceded by these two treaties, provides that a certain agreement made on June 1, 1871, between said Coeur d'Alene Indians and Frederick Post be ratified and confirmed; but makes it obligatory upon the Commissioner of the General Land Office and the Secretary of the Interior to finally pass upon the validity of the survey and final proof of the lands described in said agreement, and to pay therefor the cost of such survey and in addition thereto to pay the sum of $2.50 per acre for the acreage

described in said agreement between said Indians and said Post.

In the first of the blank spaces in section 3, page 16, line 24, should be inserted the word "first", and in the second of said blank spaces, in said line 24, should be inserted the word "September." In the blank space in line 25, section 3, page 16, should be inserted the word "ninety." In line 35, section 3, page 16, after the word "five," should be inserted "hundred."

In the blank space in line 3, section 4, page 17, should be inserted the words "six thousand," and in line 7, section 4, page 17, should be inserted the words "fourteen thousand."

With these suggestions, which are simply to perfect the bill in order to meet the requirements of said two treaties, your committee therefore favorably recommend the passage of this bill.

EXHIBIT A.

House Ex. Doc. No. 63, Fiftieth Congress, first session.

Message from the President of the United States, transmitting a communication from the Secretary of the Interior, with accompanying papers, relating to the reduction of Indian reservations.

To the Senate and House of Representatives:

I transmit herewith a communication of 30th December, 1887, from the Secretary of the Interior, submitting, with accompanying papers, two additional reports from the Commission appointed to conduct negotiations with

certain tribes and bands of Indians for reduction of reservations, etc., under the provisions of the act of May 15, 1886 (24 Stats., 44), providing therefor.

GROVER CLEVELAND.

EXECUTIVE MANSION,
January 9, 1888.

DEPARTMENT OF THE INTERIOR,
Washington, December 30, 1887.

THE PRESIDENT:

Under the respective dates of January 11 and February 17, 1887, I had the honor to submit to you for transmittal to Congress two separate reports received by this Department through the Commissioner of Indian Affairs from the Commission commonly known as the Northwest Indian Commission, appointed under the provisions of the act of May 15, 1886, to negotiate with certain Indian tribes in Minnesota and the Northwest Territories (24 Stats., 44).

Those two reports, with their accompanying correspondence, which may be found in Senate Ex. Docs. No. 30 and No. 115, Forty-ninth Congress, second session, relate, the first to an agreement made with the Arickaree, Gros Ventre, and Mandan Indians residing upon the Fort Berthold Reservation in Dakota, and the other to two agreements made with certain of the Chippewa Indians in the State of Minnesota.

I now have the honor to submit herewith two additional reports made by the said commission, with the accompanying letter of the Commissioner of Indian

Affairs forwarding them to the Department, with five agreements made with various tribes and bands of Indians in the Northwest, viz: The Gros Ventre, Piegan, Blood, Blackfeet, and River Crow Indians upon the reservation commonly known as the Great Blackfeet Reservation in northern Montana; the Upper and Middle bands of Spokane Indians; the Coeur d'Alene Indians; the Pend d'Oreille or Calispel Indians; the Indians upon the Jocko Reservation in Montana.

The Commission report that they visited the Bois Forte and Grand Portage Reservations in Minnesota and held council with the bands thereon, but failed to secure their acceptance of or consent to the agreements made with the other Chippewas on September 7, 1886.

The five agreements now presented, together with the three heretofore reported, complete the work of negotiation so far as it could be accomplished by the Department with the tribes and bands of Indians for which provision was made in the act of May 15, 1886.

The Commissioner of Indian Affairs in his report, herewith, reviews at some length the provisions of each of the accompanying agreements, which may be briefly though very generally summarized, as follows:

The agreement with the Indians in northern Montana provides for the cession to the United States of over 17,500,000 acres of the large reservation now occupied by them, estimated to contain 21,651,000 acres, for a consideration of $4,500,000, to be expended for the benefit of the Indians in manner therein provided, in ten annual installments, so far as may be required; any excess above such requirements to be placed in the Treasury to their credit,

etc. The unceded portion of the reservation to be divided into three separate reservations, whose boundaries are given, for the Indians belonging to the three agencies located therein.

The Upper and Middle bands of Spokane Indians, in the agreement with them, relinquish to the United States any right, title, and claim which they now have or ever had to any and all lands lying outside of the Indian reservations in Idaho and Washington Territories, and agree to remove to the Coeur d'Alene Reservation in Idaho, except such as prefer to go to the Jocko Reservation, in Montana, the consideration being $95,000, to be expended for their benefit in manner as specified in the agreement.

The Coeur d'Alene Indians, in the agreement made with them, relinquish to the United States, for the consideration of $150,000, to be expended for their benefit, etc., all right, title, and interest they now have or ever possessed to and in any lands outside the limits of their present reservation in the Territory of Idaho; they also agree to the removal to and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and to any other bands of non-reservation Indians belonging to the Colville Agency, Washington Territory, etc.

The Pend d'Oreille or Calispel Indians, in agreement made with them, relinquish all right, title, and claim they have or ever had to lands in Idaho or Washington Territories or elsewhere, and agree to remove to and settle upon the Jocko (Flathead) Reservation, in Montana, except such

as may prefer to go to the Colville Reservation, in Washington Territory, or to the Coeur d'Alene Reservation, in Idaho Territory; the consideration being the erection of saw and grist mill, building houses for Indians, clearing and breaking lands, etc.

The Indians on the Jocko (Flathead) Reservation, in the agreement with them, consent to the removal to and settlement upon their reservation of the Upper and Middle Spokanes and Pend d'Oreilles; the consideration being the erection on the reservation for the Indians, by the United States, of a saw and grist mill, and providing a blacksmith and tools, etc.

The law under which these negotiations have been conducted provides that "no agreement shall take effect until ratified by Congress."

The Commissioner of Indian Affairs in his report herewith expresses the opinion that these agreements are just and favorable alike to the Government and to the Indians. He recommends their speedy ratification, and submits estimates of the various amounts required to be appropriated at this time by Congress to carry out the terms of the negotiations, which will be found on the concluding pages of his report.

By these negotiations a very large area of land now in state of reservation for Indian purposes, being the excess of quantity needed for the actual use of the tribes and bands for whom it has been held in reservation, is placed at the disposal of the United States so that it may be opened to settlement in such manner as Congress in its wisdom may direct; and further, the adjustment of claims

asserted by Indians to large portions of land in Washington and Idaho Territories, now largely occupied by settlers, is provided for. When these negotiations shall have been fully ratified they will remove some serious hindrances to the contentment, the permanent settlement, and the more rapid advancement in civilization of the tribes and bands who are parties thereto. The money necessary to be appropriated for their support and to assist them forward in the ways of civilization will not be, as heretofore, so largely a gratuity from the Government, but will go to them by judicious expenditures as consideration for valuable rights and claims which they have ceded and relinquished to the Government.

For these and other like reasons I concur in the recommendation of the Commissioner that the agreements be speedily ratified.

I have the honor to be, very respectfully, your obedient servant,

L. Q. C. Lamar,
Secretary.

Department of the Interior,
Office of Indian Affairs,
Washington, December 13, 1887.

SIR: Referring to office reports, dated January 8 and February 11, 1887, respectively, transmitting two separate reports of the Northwest Indian Commission and accompanying agreements made with the Arickaree, Gros Ventre, and Mandan tribes of Indians occupying the Fort Berthold Reservation, in Dakota, and the Chippewa Indians in Minnesota, which reports, agreements, and

accompanying papers form the subject-matter of Senate Ex. Docs. No. 30 and 115, respectively, Forty-ninth Congress, second session, I now have the honor to transmit herewith duplicate copies of two additional reports of said Commission and accompanying agreements (five in all) made with the several tribes in northern Montana, occupying the Gros Ventre, Piegan, Blood, Blackfeet, and Crow River Reservation, commonly known as the Great Blackfeet Reservation, and the Upper and Middle bands of Spokane Indians, the Pend d'Oreilles, or Calispels, and the Coeur D'Alenes in Idaho, and the Flathead, Pend d'Oreille and Kootenai Indians of the Flathead Reservation in Montana. These reports are dated, respectively, February 11 and June 29, 1887.

The authority under which these several agreements were negotiated is found in the Indian appropriation act, approved May 15, 1886 (24 Stats., p. 44), which reads as follows:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservations as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations; and also to enable said Secretary to negotiate with the Upper and Middle bands of Spokane Indians and Pend d'Oreille Indians, in Washington and Idaho Territories, for their removal to the Colville, Jocko, or Coeur

d'Alene Reservations, with the consent of the Indians on said reservations; and also to enable said Secretary to negotiate with the Coeur d'Alene Indians for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States, $15,000, or so much thereof as may be necessary, to be immediately available; but no agreement shall take effect till ratified by Congress.

THE AGREEMENT WITH THE INDIANS IN NORTHERN MONTANA.

Briefly stated, the agreement concluded with the various bands or tribes occupying the Great Blackfeet Reservation, in northern Montana, provides for the cession to the United States of by far the greater part of that vast reservation lying along the international boundary and extending east to the Dakota line and west to the summit of the Rocky Mountains, with the Missouri and Marias Rivers and Birch Creek for its southern boundary, estimated to contain 33,830 square miles, or 21,651,000 acres – an area three times as large as that of Maryland, larger than the State of Indiana, almost as great as that of South Carolina, and greater than the New England States, leaving out the State of Maine.

According to the report of the Commission, the territory ceded to the United States under the agreement embraces an area of about 17,500,000 acres – more than three-fifths of the entire reservation.

The remaining unceded lands are divided into three separate reservations – one for the Indians now attached to the Fort Peck Agency, one for the Indians attached to

the Fort Belknap Agency, and the third for the Indians attached to the Blackfeet Agency.

It might be proper to state here that the Great Blackfeet Reservation is at present claimed and held in common by the Indians of the three above-named agencies, no division of the territory ever having been made by competent authority; hence the negotiations were conducted alike with all, and but one agreement was executed with the several bands.

The three separate tracts reserved by the Indians for their future homes are situated as follows: The Fort Peck Reservation, on the Missouri River, north side, from Porcupine Creek to the Big Muddy, and extending north 40 miles. The Fort Belknap, on Milk River, south side, from the mouth of Snake Creek to the mouth of People's Creek, and extending south to the summit of the Little Rockies. The Blackfeet, in the extreme western part of the present reservation, extending from the Cut Bank to the summit of the Rocky Mountains, and from Birch Creek to the British Possessions.

The descriptions given are only general; for a more particular definition of the respective boundaries reference should be had to the agreement.

The tribes or bands for whom the several separate reservations are made retain no interest whatsoever in any reservation other than the one set apart for their separate use and occupation respectively.

The compensation agreed upon for the cession of their surplus lands is as follows:

For the Indians of the Fort Peck Agency, $165,000 annually for ten years; for the Indians of Fort Belknap Agency, $115,000 annually for ten years, and for the Indians of the Blackfeet Agency, $150,000 annually for the same period, the money to be expended for the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements; in providing employees; in the education of Indian children; in procuring medicine and medical attendance; in the care and support of the aged, sick and infirm, and helpless orphans of said Indians; in the erection of such new agency and school buildings, mills, blacksmith, carpenter, and wagon shops as may be necessary; in assisting the Indians to build houses and inclose their farms, and in any other respect to promote their civilization, comfort, and improvement.

It is also agreed that in the employment of farmers, artisans, and laborers preference shall in all cases be given to Indians residing on the reservation who are found to be well qualified for such employment.

The sale, exchange, or slaughtering of cattle issued to the Indians for breeding purposes, or their increase, except by consent of the agent in charge, is prohibited, but the Commissioner of Indian Affairs may remove such restriction.

It is further agreed that whenever, in the opinion of the President, the yearly installments of $165,000, $115,000, and $150,000 shall be more than is required to be expended in any one year in carrying out the stipulations of the agreement, so much thereof as may be in excess of the requirement shall be placed in the Treasury

to the credit of the Indians, and expended in continuing the benefits of the agreement after the ten years during which the installments are to run shall have expired.

In the distribution of cattle and other stock, goods, clothing, subsistence, and agricultural implements preference is to be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil, or the raising of stock as a means of livelihood. Suitable provision is made for the protection of Indians whose homes fall within the ceded territory and for the survey and marking of the outboundaries of the diminished reservations, the cost of such survey to be paid for out of the first installments appropriated.

Right of way is secured for railroads, wagon-roads, and telegraph lines whenever, in the opinion of the President, the public interests require their construction through either of the three separate reservations.

It is the deliberate judgment of the Commissioners that these Indians are not as yet prepared to take lands in severalty, and they are equally positive that even if they were so prepared the country occupied by them is wholly unsuited for that experiment.

As the subject is one of special interest, in view of the policy of the Government to allot lands in severalty to Indians whenever and wherever practicable, I quote the following from their report:

Neither of these bands are as yet prepared to take lands in severalty. Indeed, the country occupied by them is not suitable for that experiment. It is in no sense a good agricultural country, and it would be a very difficult

matter, if not impossible, for a white man to make a living there if confined strictly to the cultivation of the soil.

Montana, aside from its mineral resources, is essentially a stock-raising country, the northern portion of it especially being but poorly adapted to anything else; hence it is that stock-raising has become the principal industry of the people. The frequent failure of crops, owing to the aridity of the soil, renders farming not only unprofitable but uncertain as a means of support; therefore, if the Indians in northern Montana are ever to become self-supporting they must follow the pursuits which the whites by long experience have found the country best adapted to – cattle, sheep, and horse raising. This need not, and should not, be to the entire exclusion of farming, but it should become their chief industry and dependence.

It can be said positively that the Fort Peck Indians can never become self-supporting where they now are through the cultivation of the soil alone; but there can be no doubt that with proper encouragement they would soon reach that position as stock-growers. Stock-herding is suited to their tastes; they are willing to work, and realize the necessity of doing for themselves; and it is but right and just that their efforts should be encouraged and directed in a way that will be most likely to advance their civilization and happiness. Furthermore, it is absolutely certain that unless they have cattle given them and become stock-raisers the Government will be obliged to support them for all time, or allow them to starve.

Holding to these views, we have made provision in the agreement with them to enable them to become self-supporting as a pastoral people. The reservation set apart for them is ample, but not too large, and was selected with that end in view. The consideration agreed upon for the cession of their surplus lands will be sufficient to provide them with cattle, sheep, and other stock for a

successful start in that direction, and to subsist and otherwise care for them, until they are able to support themselves without aid from the Government. * * *

The promise of stock cattle was the principal inducement which led to the cession of the vast territory relinquished to the Government. * * *

What has been said in regard to the policy to be pursued with the Fort Peck Indians is equally true in respect of the Fort Belknap and Blackfeet Agency Indians. They must be encouraged in stock-raising as well as in agricultural pursuits. They never can become self-supporting in any other way.

There are not less than 2,300 Sioux and about 1,100 Assinaboines at the Fort Peck Agency, for whom the reservation on the Missouri between Porcupine Creek and the Muddy was set apart. The question of the advisability and practicability of removing the Sioux to the Great Sioux Reservation in Dakota was thoroughly considered by the Commissioners, and the decision reached that it was not advisable to make any attempt in that direction. The Indians themselves were firmly opposed to such change of residence and manifested a good deal of surprise and uneasiness at the mere suggestion of it by the Commissioners. They claim equal rights with the other Indians in the Great Blackfeet Reservation, which claim was not disputed by either of the other bands. The Government placed them there nearly a quarter of a century ago, and by long residence they have become greatly attached to the country and could not be easily persuaded to abandon it.

The Sioux are settled in the immediate vicinity of the agency, and the Assinaboines mainly at Wolf Point, about 20 miles west, on Wolf Creek.

The reservation for these two bands was selected with special regard to convenience, utility, and capacity for stock-raising, for, as has already been said, the promise of stock cattle was the principal inducement with all the tribes or bands which led to the cession of the vast territory ceded by them to the Government.

The Commissioners report that the agreement with the Fort Peck Indians was satisfactory alike to the Indians and their friends present during the progress of the negotiations, and they express the belief that if strictly carried out the Indians will require no further aid from the Government.

The Fort Belknap Agency Indians were unwilling to remove either to Fort Peck or any other distant point, but consented unanimously to remove from their present locality near Fort Assinaboine to the reservation selected for them east of Snake Creek and between Milk River and the Little Rockies. The Commissioners describe the new selection as affording the best lands for agricultural purposes in all that region of country. It is well watered, they say, and susceptible of irrigation at a small cost. Besides, it is admirably adapted to stock-raising. Timber is plenty for needed agency buildings and Indian houses.

They refer to the proximity of the present habitations of the Indians to the military post of Fort Assinaboine, and the baneful influence of such close contact upon the health and morals both of the garrison and Indians. This evil, in the opinion of the Commissioners, can only be

remedied by removing the Indians further from the post, as in the agreement provided. There are about 1,700 Indians at Fort Belknap Agency – Assinaboines and Gros Ventres, the latter only slightly outnumbering the former.

The Indians of the Blackfeet Agency, the last visited, appear to have been more exacting in their demands than any of the other Indians. The Commissioners observe that it was very evident from the beginning of the negotiations that they had been tampered with by designing white men whom they found at the agency, and who hoped to gain some advantage to themselves in one way or another. Their chiefs complained of ill-usage and bad faith on the part of the Government in times past, and the negotiations were considerably delayed by their unreasonable and persistent demands.

Finally, however, they consented to the agreement as already executed by the Indians of the other two agencies, and selected the reservation heretofore described.

In explanation of the apparent disproportion in the sums agreed upon as compensation for the ceded territory, between the Indians of this and the other two agencies, the Commissioners state that the needs of the Blackfeet Indians are proportionally greater than the others, and that there are from 500 to 1,000 Indians on the other side of the international line who may properly be regarded as belonging to the Blackfeet Agency, and are likely sooner or later to return to the agency; and, furthermore, they believe that they (the Blackfeet Agency Indians) have the most ancient claim to the ceded territory, having occupied it as far back as their history is known.

In closing their report upon the agreement with the Indians of the Great Blackfeet Reservation, the Commissioners observe as follows:

What has been said in regard to the policy to be pursued with the Fort Peck Indians is equally true in respect of the Fort Belknap and Blackfeet Agency Indians.

They must be encouraged in stock-raising as well as in agricultural pursuits. They can never become self-supporting in any other way. * * *

The execution of the agreement with the Piegans, Bloods, and Blackfeet concludes our labors with the Indians in northern Montana. * * *

We have made every possible effort looking to the conclusion of this work in time to get it before Congress, if it should so please the Department, during the present session, and we trust that it is not yet too late. No human foresight could have accomplished more. We have traveled night and day in open vehicles during a period of cold weather which will be memorable in the history of Montana, and without a day's delay that could possibly have been avoided.

AGREEMENT WITH THE UPPER AND MIDDLE BANDS OF SPOKANE INDIANS.

Early in March, 1887, negotiations were opened with these Indians for their removal to the Colville, Jocko, or Coeur d'Alene Reservations, as contemplated in the act aforesaid. They are scattered over the country in the neighborhood of Spokane Falls. The Commissioners found them poor, and for the most part residing upon almost barren lands. They are addicted to strong drink and gambling, and the majority of them spend their lives

hanging about Spokane Falls, either begging or performing menial services for the whites. In all their travels the Commissioners found no Indians so utterly degraded and helpless.

The Commissioners were strongly impressed with the wrongs these people have suffered in times past by having their lands gradually wrested from them without compensation in any form.

When the treaties of 1855 were made with the various tribes east of the Cascade Mountains, these Indians were passed by, although they had just as good a claim to recognition as any of the tribes treated with. They laid claim to a large area of country then occupied by them, which has gradually been settled upon by the whites until it has all passed from their hands. The object of the recent negotiations was to obtain a relinquishment from them of all claim against the Government on account of lands thus taken from them, to pay them a fair consideration for such relinquishment, and to effect their removal and settlement upon one of the existing neighboring reservations, with the consent of the Indians already occupying such reservation.

As the result of the negotiations, said Indians – the Upper and Middle bands of Spokanes – agreed to relinquish to the United States any right, title, or claim they now have, or ever had, to lands in Idaho and Washington Territories, and to remove to the Coeur d'Alene Reservation in Idaho. A few expressed a preference for the Jocko Reservation in Montana, and it was accordingly agreed that any who so desired should be permitted to settle on

said reservation, and have their pro rata share of the benefits provided in the agreement.

At first they strongly insisted upon having a reservation established for them on the Little Spokane River, but when shown that their request could not be complied with under the terms of the act providing for the negotiations, they concluded to accept the proposition to remove to the Coeur d'Alene and Jocko Reservations.

The consideration agreed upon for the cession of the lands claimed by them was $95,000, to be expended in the erection of houses, in assisting them in breaking land, in the purchase of cattle, seeds, agricultural implements, saw and grist mills, clothing, subsistence, in taking care of the aged, sick, and infirm, in providing educational facilities, and otherwise to promote their civilization and well-being – $30,000 the first year, $20,000 the second, and $5,000 per annum for eight years thereafter. The balance of $5,000 is to be expended in encouraging farm labor, as stipulated. It is also agreed that the United States shall pay to each of the six chiefs of the tribe $100 per annum for the period of ten years.

The Indians are to be permitted to select their homes on the Coeur d'Alene Reservation from a tract of land to be laid off and surveyed for the purpose, without, however, interfering with the lands now occupied by the Coeur d'Alene Indians, and they agree to take allotments as provided in the recent act of Congress known as the general allotment act.

By a further provision it is agreed that any Indian who has settled and made improvements upon the public domain, with the intention of acquiring title to the same

under the laws of the United States relating to public lands, may continue to occupy the same, and acquire title thereto.

There are other minor provisions calculated to benefit and improve the condition of the Indians.

The Commissioners report that many of the Indians are anxious to remove at once to their new homes, and they strongly urge the speedy ratification of the agreement.

AGREEMENT WITH THE COEUR D'ALENE INDIANS.

These Indians also lay claim to a large tract of country in Washington, Idaho, and Montana Territories, by right of original occupancy, and, as we have seen, the act authorized negotiations with them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States."

By the terms of the agreement made with them, the Indians cede and relinquish to the United States all right, title, and interest they now have or ever possessed in any lands outside the limits of their present reservation.

They also agree to the removal and settlement upon their reservation of the Upper and Middle bands of Spokane Indians, upon the terms and conditions agreed upon with said Spokane Indians, and also to the removal and settlement there of the Calispels (Pend d'Oreilles) now residing in the Calispel Valley, and any other band of non-reservation Indians belonging to the Colville Agency, upon terms agreed upon with any such bands.

In consideration of the foregoing, it was agreed that the Coeur d'Alene Reservation shall be forever held as Indian lands, for the home of the Coeur d'Alene and other bands settled there under said agreements, and that it shall never be sold or otherwise disposed of without their consent.

It is further agreed that the United States shall expend the sum of $150,000 for the benefit of the Coeur d'Alene Indians: $30,000 the first year and $8,000 per annum for fifteen years thereafter, in providing them with a steam saw and grist mill, in the employment of an engineer and miller, and in the purchase of such useful articles as shall best promote their civilization, education, and comfort, and, under certain stipulated conditions, cash payments may be made to them. In addition to this, it is agreed that the United States shall employ, at its own expense, a competent physician, blacksmith, and carpenter, and supply medicines for said Coeur d'Alene Indians.

There are some other provisions intended to protect the morals and improve the condition of said Indians, but the foregoing are the principal features of the agreement.

The Commissioners give an interesting account of the Coeur d'Alene Indians, and commend them in the highest terms for industry, thrift, and sobriety. They speak of them as polite in a marked degree and exceedingly good-natured. They wear short hair, dress like the whites, and emulate them in everything save their vices. They live in comfortable houses, many of them having two – one on the farm and another in the village – cultivate the soil extensively, are loyal to the Government, respectful of the laws, devoted to their religion, and in short a better

ordered or behaved community of Indians can nowhere be found. Such is the testimony of the Commissioners.

AGREEMENT WITH THE PEND D'OREILLE OR CALISPEL INDIANS.

An agreement was entered into with these Indians at Sand Point, Idaho, whereby they agreed to remove to and settle on the Jocko (or Flathead) Reservation in Montana. They relinquish all claims they have or ever had to lands in Idaho and Washington Territories, or elsewhere. If any of them prefer to settle on the Colville Reservation, in Washington Territory, or the Coeur d'Alene, in Idaho, they are permitted to do so.

In consideration thereof the United States agrees to erect a saw and grist mill on the Jocko Reservation for their use; to build a sufficient number of houses for their accommodation; to assist them in clearing, breaking, and fencing not less than 5 acres of land for each family; to provide certain employés; to purchase agricultural and other needed implements, seeds, clothing, and medicines; to care for the sick, aged, and infirm, and to otherwise assist them as their wants may require.

Chief Victor is to have $100 per annum during the remainder of his life; and any of the Indians who have made improvements where they now reside, are to be permitted to dispose of the same by sale and receive payment therefor.

AGREEMENT WITH THE INDIANS OF THE JOCKO RESERVATION.

Negotiations were had with these Indians, in order to obtain their consent to the removal and settlement of such of the Upper and Middle Spokanes and Pend d'Oreilles as should elect to settle there under the agreements previously made with them. Such consent was obtained, and in consideration thereof the United States agrees to erect a saw and grist mill on said reservation for the tribes now in occupation thereof, and to provide a competent blacksmith for them and tools for his use.

THE BOIS FORTE AND GRAND PORTAGE BANDS OF CHIPPEWAS IN MINNESOTA.

Having concluded all authorized negotiations with the Indians in the Northwestern Territories, the Commission, in the early part of April, returned to Minnesota, in order to complete the work necessarily postponed in November on account of the closing of navigation on Lake Superior, and the consequent difficulty of reaching the Bois Forte and Grand Portage Reservations at that season of the year.

The agreement of August 11 and September 7, 1886, with the White Earth and Pillager and Lake Winnebagoshish bands of Chippewas was presented to the Bois Forte and Grand Portage bands, in council assembled, all its provisions carefully explained, and its benefits offered to them. Neither band was willing to remove from its present reservation, and as that was one of the principal conditions of the agreement, it was rejected unanimously by both bands.

The grounds of their opposition to the agreement are fully set forth in the report of the Commission.

With the visit to the Bois Forte and Grand Portage bands the duties of the Commission in the field terminated.

In submitting these several agreements (5) for transmittal to Congress, I have the honor to make the following suggestions and recommendations:

In my annual report for the current year, in speaking of the work of this Commission, I observed that it was not to be expected that any suggestions or recommendations of the Commission would be adopted by Congress which the existing severalty law might render unnecessary.

After carefully reviewing the reports of the Commission and the several agreements submitted by them, I am free to say that in my judgment the severalty act, so called, could not be substituted for the agreement made with the Indians in Northern Montana, nor the several agreements made with the Indians in Idaho and Washington Territories, with equal benefit to the Indians concerned, for the following reasons:

The Indians in northern Montana – on the Great Blackfeet Reservation – are not sufficiently advanced in civilization to take lands in severalty, and assume the obligations and responsibilities of citizenship which is conferred upon all those to whom individual allotments are made under said act.

Not only are they not prepared to take lands in severalty, but they do not desire to take that step at

present; and the President has wisely ordered that allotments shall be made only on reservations where the Indians are known to be generally favorable to the experiment. Moreover, as shown in the beginning of this report, the country occupied by them is altogether unsuitable for that purpose. The Indians must be provided with stock for breeding purposes, and encouraged to raise cattle, sheep, and horses, not to the entire exclusion of farming, but as their chief industry and dependence. This they can do better, probably, at least for some time to come, by holding their lands in common. There is nothing, however, to prevent their taking grazing lands in severalty if at any time in the future it shall be deemed desirable to try the experiment with them.

Furthermore, if the agreement should fail of ratification, it is likely that these Indians will for a long time to come remain, as now, entirely dependent upon the bounty of the Government; and their vast possessions will continue to stand as a bar to the progress and development of the Territory which embraces them.

The agreements with the Upper and Middle bands of Spokane Indians and the Pend d'Oreille Indians provide for their removal and settlement upon the Coeur d'Alene and Jocko Reservations, and for the settlement of claims against the Government on account of lands taken from them in times past without compensation. The severalty act could not accomplish these much-desired objects, nor could it be substituted for other beneficent provisions found in said agreements with the Coeur d'Alene and Flathead (Jocko Reservation) Indians. The former provides for the settlement of a land claim similar to those of

the Spokanes and Pend d'Oreilles; and also makes provision for the settlement of the Spokanes on the Coeur d'Alene Reservation, while the latter provides that the scattered Pend d'Oreille and other Indians may settle on the Jocko Reservation; objects greatly to be desired.

From all that has been said, then, it will be seen that the several agreements must stand upon their own merits, irrespective of the severalty act, whose provisions it will be my endeavor to carry out wherever practicable.

To my mind the agreements are just and favorable alike to the Government and Indians. Millions of acres of land, equal to a great State, are made available to the white settler; long-standing and provoking claims against the Government are amicably adjusted; a very large number of Indians hitherto living in idleness, poverty, and vice – a standing menace to the peace of the country – are to be gathered upon existing reservations, and assisted in the paths of civilization and toward their final self-support; and I think if faithfully carried out the future of these Indians will be extremely hopeful.

I therefore have the honor to recommend their speedy ratification.

Should Congress be pleased to take such favorable action thereon, the following sums of money should at the same time be appropriated to carry the agreements in effect, viz:

NORTHERN MONTANA INDIANS.

First installments, as per Article III of the agreement with the Indians of the Great Blackfeet Reservation	$430,000

NOTE.—Congress appropriated $235,000 for the support of these Indians, the current fiscal year, *as an absolute gratuity.*

UPPER AND MIDDLE BANDS OF SPOKANE INDIANS.

First installment, as per Article V of the agreement with said Indians		$30,000
Pay of blacksmith and carpenter, at $900 each, Article VI		1,800
Pay of six chiefs, at $100 each, Article IX		600
Total		32,400

COEUR D'ALENE INDIANS.

First installment, as provided in Article VI of agreement		30,000
Pay of physician	$1,200	
Purchase of medicines	150	
Pay of blacksmith	900	
Pay of carpenter	900	
		3,150
Total		33,150

PEND D'OREILLE OR CALISPELS.

Article 1: Saw and grist mill	$6,225
Dwelling houses (40)	6,000
Clearing, breaking, and fencing	1,500
Engineer, $720; miller, $720; carpenter, $900; blacksmith, $900	3,240

Cows, $3,200; horses, $10,000; wagons, $2,000; harnesses, $600; stoves and agricultural implements, $1,500; clothing, medicines, and seeds, $2,500; removal of Indians, $1,000; Article III, pay of chief, $100		20,900
Total		37,865

FLATHEADS AND OTHER INDIANS OF JOCKO RESERVATION.

Saw and grist mill.....		$6,225
Pay of miller.....	$720	
Pay of blacksmith	900	
		$1,620
Purchase of tools.....		500
Total.....		8,345

Very respectfully, your obedient servant,

J.D.C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT B.

Fiftieth Congress, First Session, Senate Ex. Doc. No. 76.

Letter from the Secretary of the Interior, transmitting, in response to Senate resolution of January 25, 1888, information about the Coeur d'Alene Indian Reservation, in Idaho.

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1888.

SIR: I have the honor to acknowledge the receipt by the Department, on the 26th day of January last, of a

resolution of the Senate, adopted upon the 25th of January, 1888, which, omitting the preamble thereto, is in the following words:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such area includes any portion, and if so about how much, of the navigable waters of Lake Coeur d'Alene and of Coeur d'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing, and mineral lands, respectively; also the number of Indians occupying such reservation; also on what portion of said reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United States, and, if so, precisely what portion; and also whether it is advisable to release any of the navigable waters aforesaid from the limits of such reservation.

In response thereto I transmit herewith a communication, under date of the 7th instant, from the Commissioner of Indian Affairs, to whom the resolution was referred to report the facts required to properly meet the inquiries therein contained. This report states that the Coeur d'Alene Reservation, in the Territory of Idaho, embraces an area of 598,500 acres – 935 square miles; that it is situated in the northern portion of the Territory, between the 47th and 48th parallels of north latitude, and presents as an exhibit a map showing the outline boundaries of the reservation. It describes the portions of the navigable waters of Lake Coeur d'Alene and of the Coeur d'Alene River which traverses the reservation, and states the absence of information necessary to show how much

of the St. Joseph River, which flows through the reservation, is navigable, or whether it is navigable at all.

The Commissioner also reports that as but a small portion of the reservation has been surveyed (less than three townships), he is unable to furnish more than a rough estimate of the character of the lands embraced therein, which is that at least one-third of its entire area is agricultural, one third mountain and timber, and the remainder hilly and probably suitable for pasturage; that east of the lake and north of the Coeur d'Alene River the lands are described as "all mountains," and along the north line of the reservation, also east of the lake, are lands described as mineral lands. He also reports the number of Indians upon the reservation, as per last census, to be 487, nearly all of whom, he believes, live on that portion of the reservation lying south of the Lake Coeur d'Alene and St. Joseph River, and not far away from the Old Mission on Hangman's Creek.

The Commissioner further states that, in his opinion, the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any lands so taken.

In connection with this matter the Commissioner refers to the negotiations lately authorized by Congress and concluded with these Indians for the cession of their lands outside the limits of the present Coeur d'Alene

Reservation, as shown by agreement published in House Ex. Doc. No. 63, Fiftieth Congress, first session, pp. 53-56, under the provisions of which arrangement has been made for the removal to and settlement upon said reservation of sundry non-reservation Indians; and he reports as his opinion that when the present agreement shall have been ratified it will be an easy matter to negotiate with the Coeur d'Alenes for the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters, upon fair and very reasonable terms.

I have the honor to be, very respectfully,

H. L. MULDROW,
Acting Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 7, 1888.

SIR: I have the honor to acknowledge the receipt, by your reference the 26th ultimo for report, of a resolution of the Senate of the United States of January 25, 1888, as follows:

Whereas it is alleged that the present area of the Coeur d'Alene Indian Reservation, in the Territory of Idaho, embraces 480,000 acres of land; that there are, according to the statistics in the Indian Bureau, only about 476 Indians in the tribe now occupying such reservation, or more than 1,000 acres to each man, woman, and child; that Lake Coeur d'Alene, all the navigable waters of Coeur d'Alene River, and about 20 miles of the navigable part of St. Joseph River, and part of St. Mary's, a

navigable tributary of the St. Joseph, are embraced within this reservation, except a shoreline of about 3½ miles at the north end of the lake, it being alleged that this lake and its rivers tributary constitute the most important highways of commerce in the Territory of Idaho, and are in fact the only navigable waters except Snake River, now used for steam-boat navigation, in the Territory; that all boats now entering such waters are subject to the laws governing the Indian country, and all persons going on such lake or waters within the reservation lines are trespassers; and

Whereas it is further alleged that the Indians now on such reservations are located in the extreme southwest corner of the same, around De Smedt Mission, near the town of Farmington, in Washington Territory, where the land is good for agriculture; and it being further alleged that all that part of such reservation lying between Lake Coeur d'Alene and Coeur d'Alene River and that part between the Coeur d'Alene River and St. Joseph River is a territory rich in the precious metals and at the same time being of no real use or benefit to the Indians:

Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such area includes any portion, and if so, about how much, of the navigable waters of Lake Coeur d'Alene, and of Coeur d'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing and mineral land, respectively; also, the number of Indians occupying said reservation; also, on what portion of such reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United

States, and, if so, precisely what portion; and also, whether it is advisable to release any of the navigable waters aforesaid from the limit of such reservation.

Agreeably with the directions contained in said resolution I have the honor to state:

(1) The Coeur d'Alene Reservation, in the Territory of Idaho, embraces an area of 598,500 acres, or 935 square miles.

It lies in the northern portion of said Territory, between the forty-seventh and forty-eighth parallels of north latitude, and has for its western boundary the dividing line between Idaho and Washington Territories.

It is somewhat in the shape of a scalene triangle with one of its points cut off, its longest side (east boundary line) being about 42 miles, and its shortest (north boundary line) about 35 miles long. The west line is about 39 miles long.

From the official map of Idaho (1883) and sundry others examined, the reservation appears to embrace all the navigable waters of Lake Coeur d'Alene, except a very small fragment cut off by the north boundary of the reservation, which runs "in a direct line" from the Coeur d'Alene Mission to the head of Spokane River.

This lake is about 35 miles long and from 2 to 5 miles wide.

The Coeur d'Alene River traverses the reservation for a distance of about 25 miles, entering the reservation from the east and emptying into Lake Coeur d'Alene.

The St. Joseph River also flows through the reservation, entering from the east and finding its outlet in said lake.

The Coeur d'Alene River is navigable in its entire course through the reservation, and steamers ply from the head of the lake to the mouth of the river, and thence up the river to the Old Mission on the east line of the reservation, a river passage of about 25 miles. How much farther the river is navigable toward its source and beyond the limits of the reservation I have no means of knowing.

I am unable to furnish any information as to how much of the St. Joseph River is navigable, or whether indeed it is navigable at all. From the maps it would appear to be quite as large as the Coeur d'Alene River.

As to what proportion of the reservation is agricultural, grazing, and mineral land, respectively, I have to state that, as but a very small portion (less than three townships) of the reservation has been surveyed I am unable to furnish anything more than a rough estimate of the areas of the several classes referred to. From a rude sketch of the reservation prepared by the farmer in charge, with a view to showing as nearly as possible the character of the lands embraced within the reservation, I should judge that at least one-third of the entire area of the reservation is agricultural, one-third mountain and timber, and the remainder hilly and probably suitable for pasturage.

I inclose a copy of the map or sketch, and invite especial attention to it as giving the most satisfactory

information obtainable from the records of this office. It is drawn upon a scale of 2 miles to the inch.

It will be observed that the lands in the extreme northern portion of the reserve, west of the lake, for a distance of 10 or 12 miles south, are described as "timbered lands on mountains, with small valleys of pasture lands." From thence south to the hills south of the Farmington Landing road they are set down either as the first or second class "agricultural lands," and so of all the lands lying directly south of the lake until the "hill-land" is reached. Then south of the hilly lands, extending along the entire course of Hangman's Creek, is a wide strip described as "agricultural lands, first class."

East of the lake and north of the Coeur d'Alene River the lands are described as "all mountains," and along the north line of the reservation, also east of the lake, are lands described as "mineral lands."

A strip one-half mile wide on both sides of the Coeur d'Alene River along its entire length is described as "fertile valley, overflowed every spring."

South of the Farmington road and along the entire east line of the reservation is a broad strip varying from 2 to 8 miles wide, described as "all hill-land; is timbered, and soil third rate, in places rocky."

The west side of Coeur d'Alene Lake appears to be skirted all along with timbered mountains or hills.

A map accompanying the report of an inspection made in 1886 by Lieut. Col. H. M. Lazelle, Twenty-third Infantry, acting inspector-general, Department of the Columbia, with reference to the sale of liquor upon the

steamer *Coeur d'Alene* within the navigable waters of the reservation, will be found valuable, as showing the location of the neighboring towns and mines with reference to the reservation, the steam-boat route through Lake Coeur d'Alene and the Coeur d'Alene River, the wagon road and trails entering and crossing the reservation, mountain ranges, railroads, etc., and I have thought best to have a copy of said map made to accompany this report.

It might be proper to state here that Inspector Gardner, who visited the Coeur d'Alene Reservation in September of last year, places a much smaller estimate upon the quantity of agricultural land within the reservation than the farmer's map would indicate, but he could hardly be expected to have as perfect a knowledge of the reservation as the resident farmer in charge.

Inspector Gardner says:

The land embraced in the Coeur d'Alene Reserve, 598,500 acres, is in Idaho Territory. It is rough and very mountainous, and not more than 50,000 or 60,000 acres susceptible of profitable cultivation. * * * A large portion of the reservation is heavily timbered.

The number of Indians occupying the reservation as per last census, taken June 30, 1887, is 487. I believe all, or nearly all, live on that portion of the reservation lying south of the Lake Coeur d'Alene and St. Joseph River, and not far from the Old Mission on Hangman's Creek.

The question which remains to be answered is, whether it is advisable to throw any portion of the said reservation open to occupation and settlement under the mineral laws of the United States, and if so, precisely

what portion, and whether it is desirable to release any of the navigable waters mentioned in the resolution from the limits of said reservation.

In approaching this question, I deem it proper to refer briefly to the character and condition of the Indians occupying the reservation and the situation of affairs as existing amongst them.

There are few Indians in the entire country, if we except the five civilized tribes, who are as far advanced, and even they need not be excepted in any comparison either of their virtues, habits of industry, loyalty, or ambition to attain a higher stage of civilization.

They cultivate the soil extensively, live in comfortable houses, dress like the whites, wear short hair, and in all other respects live and do as white people do. Their houses are painted inside and outside, their barns are well built and commodious, and they have all the improved farm implements and machinery. They own large bands of cattle and horses and an abundance of hogs and poultry.

The Northwest Indian Commission, in the report of its recent visit to these Indians, said:

Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath repair to their dwellings at the village to attend religious services and see their children who are at the Mission schools. * * * Long experience in self-reliance and traffic with the neighboring whites has made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation

amounts to about $25,000 yearly. * * * A better ordered and better behaved Indian community can nowhere be found.

Furthermore, the Coeur d'Alene Indians have been for many years the firm friends of the whites. A notable instance of this was the part they took in the memorable Nez Percé outbreak of 1878. They not only shielded and protected the whites in that disastrous war to the fullest extent of their power, but guarded their property at the peril of their own lives, when a large portion of the white population had fled the country for safety.

When peace was restored the people acknowledged their good services and thanked them in formal terms, promising also to assist them in obtaining permanent title to their homes.

I have said this much in order to show that the Coeur d'Alene Indians are quite intelligent and fully capable of understanding their relations to their white neighbors, and that they would be likely to take a sensible view of any proposition for a change of the boundaries of their reservation which public necessity or convenience would seem to require, and at the same time to show that they are deserving of fair and honest treatment from the whites.

The one thing that has given them trouble has been the fear of losing their homes. They have watched the progress of white settlement in the surrounding country, the discovery of valuable mines, the building of railroads, etc., and all this has made them apprehensive lest in some way their reservation might be wrested from them.

In 1884 their agent reported as follows:

The rapid progress they are making, and the great interest manifested by them in their farm work, in their fences, cultivation, in improving the breed of their horses and cattle, and in fact in all things, is commendable.

It was feared in the early spring that the great rush to the Coeur d'Alene gold mines would cause considerable trespassing upon their reserve, but happily so many other routes were opened to them that there were but few crossing the reserve, and now it has nearly ceased.

And again, in 1885:

The Coeur d'Alene on the Coeur d'Alene Reserve in Idaho are flourishing in the highest degree, being wholly independent of the Government, save in the support of their schools and the instruction they receive from their farmer. What they most dread is that their lands will be taken from them some day by the whites, or they be forced to take up small allotments, while now many of them have large fields inclosed with post and board fences, or good substantial rails. Some half-dozen of them have 200 acres of land under cultivation.

And in 1886:

There has been much talk of late by the whites of having their reserve thrown open to settlement, which has troubled Saltice, their chief, very much. He, however, felt somewhat satisfied when I assured him that if such steps were taken by the Government he and his people would receive their land in severalty before the whites would be permitted to enter.

I have taken some pains to ascertain, by reference to the correspondence and otherwise, whether the Indians would be likely to consent to a reasonable reduction of their reservation, and I am satisfied that they would upon

anything like just and reasonable terms, and my own opinion is that the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom, which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any land so taken.

Just what portion of the reservation and navigable waters should be segregated from the reservation, I am unable to say. That, I think, should be determined by negotiations with the Indians.

As bearing upon the subject of the inquiries presented in the Senate resolution, I quote the following from the report of Inspector Gardner, already cited:

On the north and east side of the reserve (Coeur d'Alene) is a section of very mountainous country, known as "Wolf Lodge district." The Indians do not use this, and only occasionally go there hunting for elk and deer. The mountains in this district are said to contain large quantities of valuable minerals. Already prospectors have made their appearance and are only deterred from developing same by occasional presence of the military, who would eject them, and the agent would cause their arrest for trespassing on an Indian reservation. For farming, grazing, or, in fact, for any purpose whatever, this mountain district is approximately valueless to the Coeur d'Alene Indians, but could be advantageously utilized by the whites in developing the mineral resources of same. And, in view of these facts, I see no reason why proper legislation should not be had authorizing the Indians to dispose of their title to same to the United States.

I also quote the following from a report by Special Agent G. W. Gordon, of this Bureau, who visited the Coeur d'Alene Indians upon official business in August last:

There is great eagerness on the part of the whites to locate mining claims on the mineral portion of the reserve, and especially in that section known as "Wolf Lodge," and we found mining claims numerously staked off in that section and in some cases notices posted, though we did not find the parties themselves on the reserve. These mining prospectors are constantly on this portion of the reserve, and it seems next to impossible to keep them off with the means at hand. They are doing no injury, however, further than simply locating mining claims with a view to their possession when that part of the reserve is opened to settlement, as it seems to be believed by them it will be at an early day.

It may be proper to add that the special agent found the Indians decidedly opposed to taking their lands in severalty under the general allotment act. This may be accounted for in part, I think, by the fact that some of them have individually much more land under cultivation than they would be entitled to under that act, and they naturally desire to keep all they have.

Upon this subject the special agent says:

While on the reserve we held a general and well-attended council of the Indians, in order to obtain their views in regard to taking their lands in severalty, and after a clear understanding as to what was desired by the Government, they decided by a unanimous vote adversely to taking in severalty otherwise than they now hold them. These Indians, as you are doubtless aware, are settled on farms of their own selection, are self-supporting and making gratifying progress in agriculture, while

they have good schools and their children generally being educated.

In conclusion I will state that in my opinion these Indians have all the original Indian rights in the soil they occupy. They claimed the country long before the lines of the reservation were defined by the executive order of 1873, and the present reservation embraces only a portion of the lands to which they laid claim. This claim has been recognized in various ways and at sundry times, and the last Congress authorized the Secretary of the Interior to negotiate with them "for the cession of their lands outside the limits of the present Coeur d'Alene Reservation to the United States." Pursuant to that authority negotiations were conducted with them in March last and an agreement concluded, which is now before Congress for ratification. The agreement is published, in House Ex. Doc. No. 63, Fiftieth Congress, first session, pp. 53-56.

It should be stated also that provision is made in said agreement for the removal and settlement upon the Coeur d'Alene Reservation of the Upper and Middle Bands of Spokane Indians, now residing in and around Spokane Falls, in Washington Territory, and also the Calispels, now residing in the Calispel Valley, and any others of the non-reservation Indians belonging to the Colville Agency, and it is confidently hoped and expected that if the agreement is ratified and confirmed the Spokanes, numbering between 350 and 400 souls, will be removed and settled there.

However, there undoubtedly is an abundance of good farming land in the extreme southern portion of the

reservation for all the Indians who will be likely to go there, and much to spare.

I think that when the present agreement shall have been ratified it will be an easy matter to negotiate with them for the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters, upon fair and very reasonable terms.

In addition to the two maps spoken of in this report, I transmit herewith a tracing of the official map of the survey of "so much of the outboundaries of the Coeur d'Alene Indian Reservation in Idaho as are not marked by prominent natural boundaries and by the surveyed line between Idaho and Washington Territories," as surveyed in 1883 by Darius F. Baker, United States deputy surveyor.

A copy of this report is herewith inclosed, and also the Senate resolution.

Very respectfullly, your obedient servant,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT C.

Senate Ex. Doc. No. 14,
Fifty-first Congress, first session.

Message from the President of the United States, transmitting a letter of the Secretary of the Interior relative to the purchase of a part of the Coeur d'Alene Reservation.

To the Senate and House of Representatives:

I transmit herewith a communication of 16th instant from the Secretary of the Interior, submitting the report, with accompanying papers of the Commission appointed under the provisions of the act of March 2, 1889 (25 Stats., 1002), to conduct negotiations with the Coeur d'Alene tribe of Indians, for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, etc., together with the agreement entered into by said Commission September 9, 1889, with said Indians.

BENJ. HARRISON.

EXECUTIVE MANSION,

December, 18, 1889.

DEPARTMENT OF THE INTERIOR,
Washington, December 16, 1889.

The PRESIDENT:

I have the honor to submit herewith a report, with the accompanying papers, of the commission appointed in pursuance of the act of March 2, 1889, making appropriations for the current and contingent expenses of the Indian Department (25 Stats., 1002), to negotiate with the

Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress.

In this report the area of the ceded territory is estimated at 184,960 acres, or 289 square miles, and the consideration agreed upon is the sum of $500,000, to be paid to the said Indians "pro rata, or share and share alike for each and every member of said tribe as recognized by said tribe now living upon said reservation," upon condition that the agreement of March 26, 1887, with said Indians, now before Congress (see House Ex. Doc. 63, Fiftieth Congress, first session, p. 53), shall be duly ratified by Congress.

The commissioners, in presenting this agreement, say:

In consideration of the fact that there is but very little agricultural land in the territory negotiated for, that it is the universal desire of the inhabitants of the Northwest that this land be opened to public domain, the great demand and the scarcity of timber adjacent to this section of the country, the prospect of vast mineral wealth which would be of great benefit to capital seeking investment, and the small value this land is to the Indians, the commissioners deem the bargain an excellent one, the price very reasonable, much lower than could have been expected, and hope that in this purchase you will realize, as they do, the importance of this land being made useful to the growing States and Territories.

T[h]e Commissioner of Indian Affairs in his report herewith reviews the provisions of the agreement and refers to previous reports showing the character and condition of these Indians.

It is believed that this agreement is the best that can be made, and it is submitted with the recommendation that it be transmitted to Congress for such action as may be deemed proper.

I have caused two maps to be prepared for the information of Congress, showing the Coeur d'Alene Reservation and the lands therein ceded by this agreement.

I have the honor to be, very respectfully, your obedient servant,

JOHN W. NOBLE,
Secretary.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 7, 1889.

SIR: The fourth section of the act making appropriations for the current and contingent expenses of the Indian Department, etc., approved March 2, 1889 (25 Stats., 1002), provides as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between

the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and for the purpose of such negotiation the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be reported to Congress at the earliest practicable time.

In pursuance of this provision a commission, composed of Hon. Benjamin Simpson, of Selma, Ala., Hon. John H. Shupe, of Oakland, Oregon, and Napoleon B. Humphrey, esq., of Albany, Oregon, was appointed in May last, and under instructions of June 13, 1889, proceeded to the Coeur d'Alene Reservation in the discharge of its duties, arriving there on the 5th of August following.

The commissioners report that they held frequent councils with the Indians, explored the mineral portions of the reservation lying in the northern part thereof, and finally, on September 9, 1889, concluded an agreement with the Indians whereby they cede and relinquish to the United States a very considerable portion of their reservation, valuable chiefly for minerals and timber, upon terms advantageous as they believe both to the Indians and the Government. The area of the ceded territory is estimated at 184,960 acres, or 289 square miles.

I have the honor to herewith submit the final report of the commission (dated September___, 1888), the agreement entered into with the Indians, and the minutes; or more properly the reports, of the several councils held with them.

The cessation is described in the first article of the agreement as follows:

> Beginning at the northeast corner of the said reservation, thence running along the northern boundary line north sixty-seven degrees twenty-nine minutes; west to the head of the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line 12 miles; thence due east to the west shore of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Coeur d'Alene River, where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary of said reservation; thence northerly along the said eastern boundary line to the place of beginning.

The principal consideration agreed upon is found in the second article, which reads as follows:

> And it is further agreed in consideration of the above, that the United States will pay to the said tribe of Coeur d'Alene Indians the sum of $500,000, the same to be paid to the said tribe of Coeur d'Alene Indians upon the completion of all the provisions of this agreement.

Article 3 prescribes the manner of payment as follows:

> It is further agreed that the payment of the money aforesaid shall be made to the said tribe of Indians pro rata, or share and share alike for each and every member of the said tribe as recognized by said tribe now living upon said reservation.

It would appear from the language of the two articles together that the money is to be paid to the Indians per capita, cash in hand.

As, according to the last census, the tribe numbers five hundred and twenty men, women and children, each would receive about $960 of the consideration named.

A further and in itself important stipulation and consideration is found in the fourth article, as follows:

It is further agreed and understood that this agreement shall not be binding upon either party until the former agreement now existing between the United States by the duly appointed commissioners and the said Coeur d'Alene tribe of Indians, bearing date of March 26, 1887, shall be duly ratified by Congress, and in the event of the ratification of the aforesaid agreement of March 26, 1887, to be and remain in full force and effect, but not binding upon either party until ratified by Congress.

The agreement of March 26, 1887, to which reference is meant, was made in pursuance of authority contained in the Indian appropriation act, approved May 15, 1886 (24 Stats., 44), and was submitted to Congress, by the President, January 9, 1888.

The Coeur d'Alene Indians laid claim to a vast area of country outside of their present reservation, including the site of the present flourishing city of Spokane Falls and other now populous communities.

Their claim was based upon original possession and occupancy.

A full history of the case, and the agreement itself, may be found in House Ex. Doc. No. 63, Fiftieth Congress, first session, two copies herewith.

When the Commissioners whose work is now under consideration approached the Indians upon the subject of relinquishment of some of their reservation lands, they

absolutely refused to entertain any proposition of that kind until the old agreement was ratified.

Finally, however, after much argument and entreaty they consented to relinquish the lands the Government proposed to purchase, at the price named ($500,000), upon the express condition that the old agreement should be ratified and carried into effect; and accordingly a provision for the ratification of said agreement was inserted in the new agreement. (Article 4.)

In reporting upon this point the Commissioners say:

The Commissioners were made aware of the stern fact that they were contending with obstacles that threatened to overthrow all business plans they had formed, and presented formidable barriers to the consummation of a treaty. The Indians, while kind and courteous, were reluctant upon business propositions from the fact that other business transactions with them had been neglected; and the failure of Congress to ratify the last treaty, together with the dilatory manner of the railroad company in making payment for right of way, were weapons they used against overtures of the Commissioners for the purchase of any more land. They displayed surprising business sagacity, coupled with an exalted idea of the fulfillment of promises. Much time was consumed in appeasing the grievances they fostered and in establishing confidence with them. They finally consented to dispose of a portion of the land that is included in this treaty, they insisting upon making the lines. The exorbitant price asked, and the small amount of land offered, precluded any bargain, and thus matters stood for two councils following.

After they had been shown the benefits to accrue from the sale of these lands, and the assurance by the Commission of the ratification of the former treaty – a

clause being inserted bearing upon the fulfillment of the provisions of the former treaty – the sale was consummated and the agreement signed accompanying this report.

In consideration of the fact that there is but very little agricultural land in the territory negotiated for, that it is the universal desire of the inhabitants of the entire Northwest that this land be opened to public domain, the great demand and the scarcity of timber adjacent to this section of the country, the prospects of vast mineral wealth which would be of great benefit to capital seeking investment, and the small value this land is to the Indians, the Commissioners deem the bargain an excellent one, the price very reasonable – much lower than could have been expected – and hope that in this purchase you will realize, as they do, the importance of this land being made useful to the growing States and Territories.

It will be proper to state here that it would cost the Government, in money, only $150,000 (Art. 6) and the annual salary of three employés, physician, blacksmith, and carpenter, and the cost of needed medicines (Art. 12) to carry out the provisions of the old agreement, the ratification of which has been heretofore recommended by this office in submitting it to the Department for presentation to Congress; and a bill for that purpose passed the Senate September 20, 1888 (Cong. Record, vol. 19, part 9, p. 8755), but did not reach final action in the House, where it was referred to the Committee on Indian Affairs, September 24, 1888 (*ib.* p. 8893).

This office has no data or information other than that furnished by the Commissioners themselves as to the

value of the lands the Indians agree to cede and relinquish to the United States by the terms of the present agreement.

It has not been the practice to pay such large sums of money to Indians cash in hand as is proposed in this case, but the Coeur d'Alene Indians are far advanced in civilization, and from what is known of their habits and past life it would not be unreasonable to assume that they would make just as good use of their money if paid in this way as they would if it were paid to them in smaller sums or expended for their benefit in the usual manner.

As showing the character and condition of these people, I quote the folowng [sic] from a recent report by this office (February 7, 1888), in response to a resolution of the Senate calling for certain information in respect of their reservation, etc.:

There are few Indians in the entire country, if we except the five civilized tribes, who are as far advanced, and even they need not be excepted in any comparison either of their virtues, habits of industry, loyalty, or ambition to attain a higher stage of civilization.

They cultivate the soil extensively, live in comfortable houses, dress like the whites, wear short hair, and in all other respects live and do as white people do. Their houses are painted inside and outside, their barns are well built and commodious, and they have all the improved farm implements and machinery. They own large bands of cattle and horses, and abundance of hogs and poultry.

The Northwest Indian Commission, in the report of its recent visit to these Indians, said:

"Each one has a comfortable house on his farm, and nearly all have equally comfortable houses at the mission, which together make quite a village. They remain on their farms during the week days, and on the Sabbath repair to their dwellings at the village to attend religious services and see their children who are at the mission schools. * * * Long experience in self-reliance and traffic with the neighboring whites has made them cautious, shrewd, and provident in the use of money. We learned that their trade in one town adjacent to the reservation amounts to about $25,000 yearly. * * * A better ordered and better behaved Indian community can nowhere be found."

Furthermore, the Coeur d'Alene Indians have been for many years the firm friends of the whites. A notable instance of this was the part they took in the memorable Nez Percé outbreak of 1878. They not only shielded and protected the whites in that disastrous war to the fullest extent of their power, but guarded their property at the peril of their own lives, when a large portion of the white population had fled the country for safety.

When peace was restored the people acknowledged their good services and thanked them in formal terms, promising also to assist them in obtaining permanent title to their homes.

I have said this much in order to show that the Coeur d'Alene Indians are quite intelligent and fully capable of understanding their relations to their white neighbors, and that they would be likely to take a sensible view of any proposition for a change of the boundaries of their reservation which public necessity or convenience would seem to require, and at the same time to show that they are deserving of fair and honest treatment from the whites.

The one thing that has given them trouble has been the fear of losing their homes.

They have watched the progress of white settlement in the surrounding country, the discovery of valuable mines, the building of railroads, etc., and all this has made them apprehensive lest in some way their reservation might be wrested from them.

The report of the Commission, the agreement, and council proceedings, with two copies of each, furnished by the Commission, are respectfully submitted for your action and transmittal to Congress as the act requires.

Very respectfully, your obedient servant,

T.J.MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR

EXHIBIT D.

Senate Mis. Doc. No. 95,
Fifty-first Congress, first session.

LETTER OF THE SECRETARY OF THE INTERIOR TRANSMITTING CORRESPONDENCE IN RELATION TO THE RATIFICATION AND CONFIRMATION OF CERTAIN AGREEMENTS BETWEEN THE UNITED STATES AND THE COEUR D'ALENE INDIANS IN IDAHO TERRITORY.

DEPARTMENT OF THE INTERIOR,
Washington, February 10, 1890.

SIR: I have the honor to transmit herewith, without consideration of the contents thereof by me, a copy of a communication of 8th instant, and its inclosures, from the Commissioner of Indian Affairs in reply to your letter of the 21st ultimo addressed to him in relation to a bill to

ratify and confirm agreements between the United States and the Coeur d'Alene Indians.

Very respectfully,

J.W. NOBLE,
Secretary.

Hon. J.H. MITCHELL,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1890.

SIR: I have the honor to transmit herewith, without consideration of the contents thereof by me, a copy of a communication and accompanying papers of 12th instant from the Commissioner of the General Land Office in reply to your letter of 10th instant addressed to him in relation to a proposed bill to carry out certain treaties with the Coeur d'Alene Indians.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. J.H. MITCHELL,
United States Senate.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D.C., February 12, 1890.

SIR: I have had the honor to receive a letter of the 10th instant from the honorable John H. Mitchell, of the United States Senate, inclosing papers having reference to a proposed bill to carry out certain treaties with the Coeur d'Alene Indians, requesting the return of the papers, with such suggestions as it might be deemed proper to make as to the manner in which the ceded lands mentioned in section 6 of the proposed bill should be disposed of. After an examination of the inclosed draught of a bill, I have to report that I see no reason why the lands referred to should not be disposed of under the general land laws of the United States. The sixth section of the proposed bill seems so to provide, with the exception of a certain tract proposed to be specially disposed of in favor of Frederick Post, in accordance with an understanding with the Indians, and I see no objection thereto.

I send herewith the papers inclosed by Mr. Mitchell with his letter.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 8, 1890.

SIR: This office is in receipt of a letter, dated January 28, 1890, from Hon. John H. Mitchell, of the United States Senate, inclosing a draught of a bill for the ratification of certain agreements made with the Coeur d'Alene Indians, in Idaho, and making the necessary appropriations for carrying the same into effect, which he desires me to carefully examine, and return to him with such suggestions, if any, as I may have to make in regard thereto.

There are two agreements covered by the proposed bill, one made in pursuance of a clause in the Indian appropriation act of June 30, 1887 (24 Stat., p. 44), and the other of a clause in the Indian appropriation act of March 2, 1889 (25 Stat., 1002). Article 4 of the latter agreement provides that said agreement shall not be binding upon either party until the former agreement shall have been ratified by Congress.

I have examined the draught of a bill submitted by Senator Mitchell, and respectfully submit the following:

AS TO THE FIRST AGREEMENT.

Section 3 of the draft of bill appropriates the sum of $30,000 as the first installment of $150,000, provided for in article 6 of the first agreement, "for the building and erection on said Coeur d'Alene Reservation of a saw-mill and of a grist-mill, each to be operated by steam, for the paying the wages of the engineer, miller, and the employés to be employed in said mills, respectively," etc.

It is clear to my mind that the erection of but one mill, *"a saw and grist mill,"* is contemplated in article 6 of the agreement. The provision of said article is that "there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds hereby appropriated."

I do not think this language can properly be construed to mean *two* mills – a saw-mill *and* a grist-mill.

The commissioners who negotiated this agreement, speaking upon this point, observe as follows:

These Indians had everything which they needed or wanted, or if not it was within their power to procure it, except a saw and grist mill. It was agreed that the construction of this should be the first item of the expenditure, the cost of this to come out of the $30,000, together with the pay of the engineer and miller. For the probable cost of the mill we beg leave to refer to our report as to the Spokane Indians.

Whenever, either in the agreement or the report of the commission, the word "mill," or "miller," or "engineer," is used, the singular number is employed.

Furthermore, the said draft of bill provides not only for payment of the wages of an engineer and miller, but of "the employés to be employed in said mills, respectively."

The payment of employés other than an engineer and miller is not provided for in the agreement.

It is the established custom of this Office to make annual estimates to Congress of money required to pay

yearly installments due to the Indians under treaty stipulation or agreement, and Congress appropriates only so much as is required to pay such installment.

In the draft of bill presented it will be observed that the whole amount of the money consideration, $150,000, is appropriated at once, all but the first installment of $50,000 to remain in the Treasury and draw interest at the rate of 5 per centum per annum, the same (interest) to be paid to the Indians annually or expended for their benefit. While this plan would no doubt prove beneficial to the Indians, it is not in accordance with the terms of the agreement, but a very decided departure therefrom, providing as it does for the payment of the principal sum in fifteen annual installments of $8,000 each after payment of the first installment of $30,000.

Again. Article 11 of the agreement provides as follows:

It is further agreed that in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians, the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

Section 4 of the draught of bill submitted makes an appropriation for salaries for such employés and for purchase of medicines, but the appropriation is included in an appropriation of $20,000 for other benefits not provided for in said agreement.

I think it would be better to have separate items of appropriation for each agreement, and that they should

be in strict conformity with the terms of the respective agreements.

AS TO SECOND AGREEMENT.

The only strictly money consideration in the second agreement is in articles 2 and 3 thereof, as follows:

ARTICLE 2. And it is further agreed, in consideration of the above, that the United States will pay to the said Coeur d'Alene tribe of Indians the sum of $500,000, the same to be paid to the said Coeur d'Alene tribe of Indians upon completion of all the provisions of this agreement.

ARTICLE 3. It is further agreed that the payment of money aforesaid shall be made to the said tribe of Indians pro rata or share and share alike for each and every member of the said tribe as recognized by said tribe now living on said reservation.

The draught of the proposed bill appropriates the amount stipulated to be paid to the Indians ($500,000), but provides that $80,000 there of shall be retained in the Treasury of the United States and draw interest at the rate of 5 per centum per annum, to be expended for the benefit of the Indians as therein provided.

I do not doubt that it would be to the interest of the Indians to retain a portion of the money as proposed, but it is not so provided in the agreement, and therefore I do not see how it could be done without first obtaining the consent of the Indians parties thereto.

The appropriation of $20,000 made in section 4 of the draught of the proposed bill, except so much thereof as is for "pay for services of a physician, blacksmith, and

carpenter" and for "purchase of medicines," is not provided for in either of the agreements, and is purely gratuitous.

Neither is the appropriation of $5,000 made in section 5 of the draught for the survey and marking of the exterior boundaries of the reservation, etc., provided for in either of the agreements.

It is desirable, however, that houses should be provided for the accommodation of the agency employés, and that tools and materials should be purchased for the carpenter, blacksmith, and other artisan employés, as provided in the draught of bill submitted (section 4), and if Congress in its generosity will make the needed appropriation therefor I shall be very glad. The outboundaries of the reservation should by all means be properly defined by survey wherever not marked by natural objects, and I trust the appropriation of $5,000 for that purpose will be made.

As to the disposal of the ceded lands, for which provision is made in section 6 of the draught of bill submitted, I have to state that it is a matter of no concern to the Indians themselves nor to this office how said lands are disposed of, since the Indians have no further interest in them, having ceded and relinquished them absolutely to the United States, subject of course to the ratification of the agreement by Congress.

I have caused to be prepared and herewith transmit items of appropriation which I respectfully suggest be substituted for sections 3 and 4 of the draught of bill submitted by Senator Mitchell.

As the law (section 2115, Rev. Stat.) provides that "whenever it becomes necessary to survey any Indian or other reservations or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed." I would suggest that the provision in section 5 of the draught of bill that the appropriation of $5,000 for surveys "be expended under the direction of the Secretary of the Interior and Commissioner of Indian Affairs" be amended by striking out the words "and Commissioner of Indian Affairs."

I would further suggest that the draught of bill be referred to the General Land Office for examination and report as to the manner provided for the disposal of the ceded lands in section 6 thereof.

Senator Mitchell's letter and the accompanying draught bill are herewith returned.

Very respectfully,

T.J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

EXHIBIT E.

Treaty between the United States and Dwamish, Suquamish, and other allied and subordinate tribes of Indians in Washington Territory. Concluded at Point Elliot, Washington Territory, January 22, 1855. Ratified by

the Senate March 8, 1859. Proclaimed by the President of the United States April 11, 1859.

Treaty between the United States of America and the S'Klallams Indians. Concluded at Point no Point, Washington Territory, January 26, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 29, 1859.

Treaty between the United States of America and the Makah tribe of Indians. Concluded at Neah Bay, Washington Territory, January 31, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 18, 1859.

Treaty between the United States and the Walla Walla, Cayuses, and Umatilla tribes and bands of Indians in Washington and Oregon territories. Concluded at Camp Stevens, in the Walla Walla Valley, Washington Territory, June 9, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 11, 1859.

Treaty between the United States and the Yakama Nation of Indians. Concluded at Camp Stevens, Walla Walla Valley, June 9, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 18, 1859.

Treaty between the United States of America and the Nez Percé Indians. Concluded at Camp Stevens, in the Walla Walla Valley, June 11, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 29, 1859.

Treaty between the United States and the confederated tribes and bands of Indians in Middle Oregon. Concluded at Wasco, in Oregon Territory, June 25, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 18, 1859.

Treaty between the United States and the Qui-nai-elt and Quil-leh-ute Indians. Concluded on the Qui-nai-elt River, in the Territory of Washington, July 1, 1855, and at the City of Olympia, January 25, 1856. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 11, 1859.

Treaty between the United States and the Flathead, Kootenai, and Upper Pend d'Oreilles Indians. Concluded at Hell Gate, in the Bitter Root Valley, July 16, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 18, 1859.

Treaty between the United States of America and the Molel Indians. Concluded at Dayton, Oregon, December 21, 1855. Ratified by the Senate March 8, 1859. Proclaimed by the President of the United States April 27, 1859. (12 U.S. Stat., p. 927 to 985).

Treaty between the United States and the Blackfeet Indians. Concluded on the 17th of October, 1855, between said Indians and A. Cumming and Isaac I. Stevens, commissioners on the part of the United States. (11 U. S. Stat., p. 657.)

EXHIBIT F.

1101 G STREET, N.W.,
Washington, D.C., February 5, 1886.

GENTLEMEN: I have the honor to make a report upon a letter, copy of which is hereto attached, and made a part hereof, from the Rev. J. M. Cataldo, superintendent of various Indian missions throughout the Rocky Mountain regions of the Northwest, dated Spokane Falls, Wash., January 10, 1886, and which letter has been referred to me by your Bureau for report.

In this communication I am informed that the Spokane Indians, a tribe living in the vicinity of the Spokane Falls, in Eastern Washington Territory, have recently held a council in relation to their past and present grievances, and have requested the said superintendent to write and request me to lay the said matters fully before the honorable Secretary of the Interior.

The two chiefs, Geary and Welsho Louis, seem to have spoken for their tribe.

Geary I have known for thirty-one years. He speaks English, and is now probably near seventy-five years old, for his long, silvery white hair, once so black, as I saw him last October, with a number of his tribe, at the Spokane Falls, indicates that he has seen the snows of many winters. Geary then desired me to present the matter of the wrongs of his Indians to the President of the United States.

The Spokane Indians have been wrongfully treated by the United States, for our people have been permitted to seize their lands without leave or compensation; and

while it is true that a small reservation on the Spokane River has been heretofore set aside and established, by an Executive order, for that temporary purpose, yet this falls very far short of that degree of justice which these people are entitled to at the hands of the United States.

I know well that the late Isaac I. Stevens, when governor of Washington Territory, and *ex-officio* superintendent of its Indian affairs, was authorized to make a treaty with these Indians, with a view of acquiring title for such a portion of their lands as they had no use for, and to compensate them for the same.

I also know that in 1855 it was Governor Stevens's intentions to make a treaty with these Indians on his return from the country of the Blackfeet Indians, now situate in northwestern Montana, the same in 1855 being northwestern Nebraska, where in the summer of 1855 Stevens, having treated with these Blackfeet Indians, his intentions on his return toward the Pacific was to treat with the Spokanes, the Colvilles, and the Coeur d'Alenes.

I also know that when Governor Stevens had concluded a treaty with the Blackfeet Indians, and was proceeding to visit the country of Colvilles and Spokanes, and Coeur d'Alenes, intending, as I have said, to make a treaty with each of said tribes, he was met near the Dearborn River, in northwestern Nebraska, by a special courier coming from the Pacific, and bringing him the intelligence that a general Indian war was then raging thoughout the western portion of Oregon and Washington Territories, which, the Indian Department will bear witness, continued for a period of two years.

In consequence of this fact Governor Stevens deemed it his duty to proceed immediately to the seat of government at Olympia, on Puget Sound, but failed to conclude any treaty negotiations with either the Colville, Spokane, or Coeur d'Alene Indians. The exact recital of some of the delays relating to this matter I now give in the words of Mr. Gustavus Sohon, who then was with Governor Stevens as guide and interpreter, and to whom I hereinafter more particularly refer. Mr. Sohon says:

The treaty made by the United States through Hon. Isaac I. Stevens, then governor and superintendent of Indian affairs of Washington Territory, and concluded at Walla Walla, in Washington Territory, in 1855, included certain Indian tribes residing east of the Cascade Mountains, on the borders of eastern Oregon Territory and southeastern Washington Territory, and lying west of the Bitter Root Mountains. These tribes were the Yakamas, Umatillas, Walla Wallas, and the Nez Percés; and Governor Stevens, as superintendent of Indians affairs for Washington Territory, in making these treaties, acted jointly therein with General Palmer, then commissioner of Indian affairs for the then Territory of Oregon.

The camps of said Indians were near the council grounds, and there were also present a few Spokane Indians, with Chief Geary, although his tribe and that of the Coeur d'Alene Indians, both of Eastern Washington Territory, were not joined in any of these treaties.

Governor Stevens next proceeded to treat with a tribe of Indians living at the extreme eastern portion of Washington Territory. He passed through the country of the Spokanes and the Coeur d'Alenes, not stopping at that time to treat with either of them, but went first into the Flathead country, where he made a treaty with the tribes living between the Bitter Root Mountains and the main

ridge of the Rocky Mountains, said tribes being as follows: The Flatheads, the Pend d'Oreilles, and the Kooteneys. Now, these three tribes, and also the Nez Percé tribe, already treated with by Stevens at Walla Walla, were in the habit (owing to their location) of hunting buffalo in the Rocky Mountains, on the plains of the Upper Missouri and the Upper Yellowstone rivers, and there they frequently met at war the Blackfeet tribes making traveling always unsafe. But Governor Stevens took with him several representatives of all these tribes, and crossing the Rocky Mountains into the Blackfeet country, which, at that time, as I have stated, constituted a portion of the Territory of Nebraska, he met General Alfred Cummings, then commissioner of Indian affairs for the Territory of Nebraska, and acting jointly therein they treated with said tribes, to wit: The Piegan, the Blackfeet, the Blood, and the Gros Ventre, not only for their lands and peace with the United States, but also for peace between the several tribes on the east and those then living on the west of the Rocky Mountains. This last council for these purposes was held at the junction of the Judith and Missouri rivers, seventy miles east and below Fort Benton.

It was now November when Governor Stevens started on his return to the Territory of Washington and where he was to complete a treaty with the Spokane, Covilles, and Coeur d'Alenes, but before reaching the country of these Indian tribes he met, on the Teton River, 8 miles above Fort Benton and 500 miles distant from the Spokane country, a special mounted courier, bringing him a report that the Indians at Walla Walla, and other tribes with whom he had lately treated, had broken out in rebellion and were then in open war.

On the same night Governor Stevens procured additional arms and ammunition and started westward with his party, the governor himself, with two or three men,

going in advance to the Bitter Root Valley, thereby gaining a few days' time within which to transact important Governmental business and until his pack train should have reached Hell Gate Ronde, now the city of Missoula, in the Territory of Montana. We continued our journey across the Coeur d'Alene Mountains on November 21, 1855, and reached the place of residence of Antoine Plant, a prominent Indian of his day, then living on the north bank of the Spokane River. This was at the end of November, 1855. We found here several white men traveling, who could not proceed further on account of said hostile Indians.

A party of Coeur d'Alenes and some Spokanes, with their chief, Geary, came to Governor Stevens's camp and asserted their friendship for the whites, though the main portions of their tribes were not present. Of course a treaty could not and was [not] expected at that time by the Indians and also by Governor Stevens, that he would re-not concluded with these Indians then and under all the circumstances, but it was turn and attend to making a treaty with these Indians at some suitable time and in the early future; but successive Indian wars and other difficulties during the administration of Governor Stevens in Washington Territory, that lasted several years, did not afford him any such suitable opportunities to treat with these Indians nor to provide for them in any proper way.

We thereupon moved to Lapwai, in the country of the Nez Percé Indians, where those Nez Percé chiefs who had accompanied us met a large camp of their people, and here they held a council and offered Governor Stevens a company of warriors of these friendly tribes, which joined the Governor's party, when we proceeded to meet the hostile Indians. But before reaching Walla Walla we were met by several companies of volunteers from Oregon and Washington Territories, who had been sent out by Governor Curry, then governor of Oregon Territory, to

meet and to protect us; and which volunteers had attacked the hostile Indians just the day before and had put them to flight.

I have thus at some length stated historically the exact reasons why no treaty arrangements were made with these particular tribes at that time, or since. I have to say of these Indian tribes, to wit: The Spokanes, Colvilles, and Coeur d'Alenes, that during these two years of Indian warfare in western Oregon and western Washington Territories, these three Indian tribes remained at peace with the United States, and when the Indian war had ended the Government of the United States made ample, if not liberal, provision for all the Indian tribes that had been then so recently at war, but it seemed then to have entirely overlooked these three Indian tribes that had remained at peace.

This condition of things continued until 1858, when two of these tribes, to wit, the Spokanes and Coeur d'Alenes, and it may possibly be some few of the Colvilles, restive and feeling aggrieved at the wrongs that the United States Government had perpetrated upon them, made a war upon the white population then in eastern Washington Territory, and during which time the large military force under Colonel Steptoe, of the United States Army, was most signally defeated and driven from their country. The defeat of these United States forces resulted, however, in calling to the field a still larger military force, under General George Wright, United States Army, who, after a number of engagements with these two Indian tribes, finally brought them to peace. I was General Wright's aid, and was with him at this time, and so also was Mr. Sohon, as guide and interpreter.

Thereafter, the Government of the United States, by an executive order only, placed the Coeur d'Alene Indians upon the reservation which they now occupy, but it failed to compensate them or the Colvilles or the Spokane tribe, or to make any compensation for the latter two tribes for the large district of country which was then, and ever theretofore had been, their land and that of their forefathers.

The Spokane and Colville Indians are now very poor, and, in my opinion, it is the duty of the General Government to deal with these Indian tribes generously; certainly to make ample provision to compensate all three of these tribes for the large bodies of land that it is permitted to be occupied by our people. And in addition thereto they should dedicate and grant a reservation as a place for their home and permanent abode.

Having been in their country as early as 1853, and frequently since, I am therefore familiar with much that I herein state as to these people, as to their country, as to their wants, as to their wrongs; and I submit that it would be a grave injustice for our Government now to permit this condition of things long to continue. Had I the time, having as I have the disposition, I would gladly place it at the disposal of the Interior Department, without compensation, to visit these tribes and to bring to Washington City, with the permission of that Department, a delegation from each thereof, and enable them to lay their wants in detail before the proper Departments, and to enable the United States to enter into such preliminary arrangements with these Indian tribes as would finally eventuate in a proper and just treaty between them and the United States, and by which an adequate compensation could be

had for the value of the lands of which, in my opinion, they have been so wrongfully divested. But I have not such leisure at this time, but I have the honor to bring to the special notice of the honorable Secretary of the Interior a gentleman whom I know to be in every respect qualified to fill this commission, to wit, the party whom I have hereinbefore named, to wit, Mr. Gustavus Sohon, now living at 504 Eleventh street northwest, Washington D. C. Mr. Sohon, during my several expeditions across the Rocky Mountains prior to 1862, acted as my guide and interpreter, speaking at that time the languages of those people. He enjoys the confidence of all those Indians, as he also does that of the whites in the city of Washington, and in the Territories of Washington, Idaho, and Montana.

Mr. Sohon came to Washington City with me in 1862, and has resided here ever since. He is honest, capable, faithful, and zealous in the cause of Indian civilization, and I suggest to the honorable Secretary of the Interior the propriety of appointing him as a special agent, with authority, under the auspices of and at the expense of the Indian Department, to proceed to east Washington and northern Idaho Territories for the purpose of there conferring with these tribes of Indians, to wit, the Spokane, Colville, and Coeur d'Alene, and to bring back with him to Washington City a delegation of at least three to five of their principal men, with a special interpreter for each tribe, in order that they may have an interview and an understanding with the Commissioner of Indian Affairs, the Secretary of the Interior, and the President of the United States in regard to the subject-matter of their wrongs, of their wants, and of the remedies therefor.

Mr. Sohon, having been present with Governor Stevens thirty years ago when he concluded the aforesaid treaties, he being to-day one of the very few men living who was a witness of the transactions had between the United States and the several Indian tribes herein named or referred to, is, in my opinion, the person above all others to be commissioned to execute this important trust.

In this connection permit me to invite your attention to a communication relative to one of these tribes, which has been heretofore filed in the Indian Office, and marked A and made a part hereof.

Should the honorable Secretary of the Interior desire to see me in person in reference to any of the matters herein contained, I will promptly obey any citation he may issue to me in the premises.

In support of portions of the recitals herein made relating to the several treaties concluded by Governor Stevens with the aforesaid Indian tribes in 1855, I refer you to the United States Statutes, vol. 11, p. 657 *et seq.*, and vol. 12, pp. 945 to 979; wherefore, in conclusion, I suggest and recommend that the honorable Secretary of the Interior may address a special letter to Congress, now in session, requesting an appropriation of a sum not less than $10,000 with which to defray the expenses of the commission which I herein suggest and recommend may

be created for the purpose of securing the results herein outlined.

I am, yours, very respectfully,

JOHN MULLAN.

The BUREAU OF CATHOLIC INDIAN MISSIONS,
Washington City, D. C.

Exhibit G[1].

WASHINGTON, D. C., *November* 24, 1885.

SIR: By direction of this Bureau I have the honor to hand you herewith the petition of Seltise, the head chief of the Coeur d'Alene Indian tribe, in Idaho, in behalf of his people, addressed to you through this Bureau, in which he sets forth the wrongs done them by the United States in taking their lands without remuneration, and asks that you will bring the same to the attention of Congress, and that his petition, with the accompanying papers, will be incorporated in the report of your special committee to Congress.

This Bureau most cordially and earnestly indorses the prayer of Seltise, and trusts that you, your committee, and Congress will take favorable action upon the same.

Very respectfully, yours,

CHARLES S. LUSK
Secretary.

HON. W. S. HOLMAN,
Chairman Special Committee to Inquire into Indian Matters.

EXHIBIT G[2].

COEUR D'ALENE RESERVATION,
Idaho Territory, October 30, 1885.

SIR: As chief of the Coeur d'Alene Reservation of Idaho Territory, I beg to say that my people and myself looked forward with much interest and hope in the firm expectation that you would visit our country and my people, as it would have given to us the most favorable opportunity to lay before you and your honorable committee our wants, and what we expect from the United States Government towards us.

In view of these facts, I, therefore, in the name of my people and tribe, now send you a copy of the petition which we have heretofore, to wit, on the 23d day of March, 1885, caused to be forwarded to the honorable Commissioner of Indian Affairs, and we now ask you and your honorable committee that you would make due reference to our case, and that you may be pleased to incorporate our said petition in your report to Congress on Indian matters, in order that the attention of the United States Government shall be drawn to the great grievances that have been so long inflicted upon my people.

I am, sir, yours, respectfully,

SELTIS,
Chief, Coeur d'Alene Indian Tribe, Idaho.

HON. W. S. HOLMAN,
Chairman Special Committee House of Representatives,
Authorized to visit the Indians and Indian Reservations.

EXHIBIT G[3].

COEUR D'ALENE INDIAN RESERVATION,
Territory of Idaho, March 23, 1885.

To the President of the United States and the Secretary of the Interior, and the Commissioner of Indian Affairs:

SIRS: Your petitioners, the Coeur d'Alene Indian tribe, now residing in the northern portion of the Territory of Idaho and west of the Rocky Mountains, desire to hereby make known to you the fact that their rights as Indians have, up to this date, been very largely neglected by the proper authorities of the United States, by reason of which a large and valuable portion of their country has been taken possession of and is now used, cultivated, and occupied by the whites, and without any compensation or indemnity ever having been given them therefor.

Your petitioners are now, and for many years last past have been not only friendly to the whites, but they remind you of the fact that when Joseph's band of Nez Percés in 1877 rose in rebellion against the United States, resulting in the loss of many valuable lives of your people, and in great cost to your Government, and when a large portion of the white male population in the Territories of Idaho and Washington, with their wives and children, fled from their homes and from the country, that it was your petitioners who went to their rescue and protected them and their homes and their property, at their own expense and at the risk of their lives, until such a time as peace and confidence had been restored, and until the return to their homes of said white population; and your petitioners now submit herewith, in papers marked

A and B, by copy, the evidences of said white population of the said acts of your petitioners at that time.

The boundaries of the country owned by your petitioners and by their forefathers from time immemorial are as follows, to wit: Beginning at a point on the Pelouze River west of a high butte now known and called Steptoe Butte; thence extending northwestwardly to the Spokane River at a point on its north bank formerly resided at by Antoine Plant, a half breed Indian; thence extending to the lower end of the Pend d'Oreille Lake; thence eastwardly to the summit of the Coeur d'Alene Mountains, separating the waters of the Flathead or Missoula River from those of the Coeur d'Alene and Saint Joseph's River; thence southerly along the summit of said mountains to the most southern thereof, whence flow the waters of the Pelouze River; thence westwardly along the southern rim of the water-shed of the waters of the Pelouze River to the point of beginning.

That all the lands of your petitioners, so by them owned and herein described, have been taken possession of by the whites without remuneration or indemnity, except that portion now by them occupied as the present Coeur d'Alene Reservation.

That within the country so described is situated one of the most valuable portions of the lands of Washington Territory; that it is now dotted by numerous and valuable wheat farms, with many forests of valuable timber, much of which has been and is now being cut and floated down the Spokane River to Spokane Falls and there converted into lumber; besides, there are numerous saw-mills for the same purpose at many other points therein. It also

includes the Coeur d'Alene gold, silver, and lead mines, said to be extensive and rich. It includes the Coeur d'Alene Lake and Coeur d'Alene River, upon the waters of which steamers now run. It includes the beautiful site of the military fort at Coeur d'Alene, besides numerous thriving towns and villages. It includes the line of the Northern Pacific Railroad from near Spokane Falls to the Pend d'Oreille Lake, and it also includes one of the valuable portions of the land grant to the Northern Pacific Railroad Company. Your petitioners understand that Congress in its act approved July 31, 1854 (U.S. Stats., vol. 10, page 330) gave authority and made liberal provision for negotiating treaties with all the Indian tribes then in Washington Territory, at which date all the lands of your petitioners, herein described, were situated in said Territory, all of which lands they then occupied unmolested and upon which they were then residing.

Your petitioners further understand that the late Isaac I. Stevens, then governor of Washington Territory, and *ex officio* superintendent of Indian affairs, was by the President duly authorized and empowered to negotiate said treaties, and, among other tribes, with that of your petitioners; that in the execution of this task said Stevens made treaties with all the tribes on Puget Sound and along the Columbia River, extending to the Nez Percés country, and that he was then directed to proceed to Fort Benton and there assist in making similar treaties with the Blackfeet, Gros Ventres, and other tribes of wild Indians, as provided for in that same act of Congress; that while on his way to execute said trust, in the summer of 1855, Stevens made, at the Hell Gate Ronde, treaties with the Flathead, Upper Calispels, or Pend d'Oreilles, and

certain Kootenai Indians, by which the Jocko Indian Reservation was established.

Your petitioners further know that it was Stevens's intention on his return trip westward to negotiate similar treaties with your petitioners, and also with the Spokanes, Pelouze, Lower Calispels, and other Kootenai Indian tribes; but that upon reaching the country of your petitioners at the above mentioned locality, on the northern bank of the Spokane River, formerly resided at by the half-breed Antoine Plant, where a large number of our people had already met with a view to enter into a treaty with your Government, Stevens learned for the first time, by a mounted messenger, that the entire portion of Oregon and Washington Territory was engaged in a general Indian war; that he departed instantly from that portion of the country, and failed to enter into any treaty with us or meet any of said other tribes of Indians herein last named. Since then nothing has been done in regard to negotiating a treaty with your petitioners that the Government then authorized and intended should be done.

It is a public matter, within your own knowledge, that all the treaties as then negotiated by Stevens with the Indian tribes, in 1855, have been duly ratified, confirmed, and fully executed by the United States with said tribes, to wit: With the Dwamish, Squamish, and other allied tribes; with the Skallams, Makahs, Walla Walla, Cayuse, and Umatillas, Yakamas, Nez Percés, and Quinaielts, Flathead, Kootenais, and Upper Pend d'Oreilles (see U. S. Stats., vol. 12, pages 927 to 1879). Your petitioners desire still to maintain peace with the whites, and especially with those whites to whom their country, described as

aforesaid has become valuable, and by whom the same is now largely occupied.

Our people now need grist and saw mills, proper farming implements, and mechanics to help to teach us and our children proper industrial pursuits, and the use of tools in connection therewith, and, in addition to this, we need some cattle and sheep. We do not need much money, but we do need all the things therein named, all of which should be given us at an early date, and ample provision made and guarantied for our young men and women when starting in married life.

The missionary fathers and good sisters and brothers many years ago came in our midst, and all we now know of tilling the soil and living like white people we and our children have learned from them. They have built at their own expense our school-houses and schools in our midst and for our exclusive benefit, and inclosed and cultivated the same to support our little children, whom they teach; and when this tribe removed, in 1877, to the place they now occupy, your petitioners marked off a mile square each for the fathers and sisters as farming fields and a mile square of timber, all of which we want the Government to confirm to these fathers and sisters when concluding a treaty with us.

In view of all these matters, therefore, your petitioners now ask that you may be pleased to send them a proper commission of good and honest men, authorized and empowered to consider all these facts and such other facts as their visit to us may disclose, and to provide for our present and future wants, and to make with us a proper treaty of peace and friendship, and enter into such

proper business negotiations under and by which your petitioners may be properly and fully compensated for such portion of their lands not now reserved to them; that their present reserve may be confirmed to them, except such as may be confirmed to the missionary fathers and sisters, and that ample provision be made by the United States by which their compensation shall be annually made them partly in stock, tools, mills, and mechanical instruction by proper mechanics, for the permanent benefit of every member, young and old, male and female, of the Coeur d'Alene tribe of Indians. And your petitioners will ever pray for the permanence of your good government and for the welfare of all those who properly administer its public affairs.

N.B. – This petition has been written by Louis Kaizewet, one of the boys now being educated at the Coeur d'Alene Indian mission school.

(Signed with cross-mark by:)

Andrew Soltis, head chief; Damas, chief; Edward, chief; Regis, chief; Bartholomew, chief; Venceslas, chief; Bernard Speknmilko; Tecomta; Peter Wilsoleyn; Daniel; Sebastian; Alphonse; Gregory; Charles Louis; Helarion; Pat. Davenport; Louis Sepis; Adrian; Triburtins; Ignace; Ererechin Bassau; Joseph Npagamusu; Barnaby Chuoa; Andrew John; Nicodeme Crontons; Leo Emnteynza; Lolo Chompaskat; Peter Joseph Jahurn; Gami Genzalkan; Leo Gnakaize; Paul Tkainse; Ignatius Ngaiana; Basil Guignizu; Alexander Chilchelgo; Stephen Thamzin; Peter Lupsqui; Henry Guistchene; Simon Chemeneme; Fidele Sermenzu; Louis Sauaualko; Isidore Npapsqua; Basil Sepnai; Peter Joseph; Eliemae Chedalem; Peter J. Syolgui;

Stephen Zeotagan; Benoit Enchiezn; Benoit Tholize.

Signatures of witnesses to the Indians:

JOHN P. SWENEY,
Additional Farmer, Colville Agency.

FRANK P. CONNELL.

T. EVANS.

THOMAS J. PURCELL.

BERNARD CUNNINGHAM.

EXHIBIT G[4].

A.

PINE CREEK, NEZ PERCES COUNTY, IDAHO TERRITORY,
June 19, 1877.

To the Priest, Chiefs, and the Coeur d'Alene Indians:

GENTLEMEN: We, the undersigned citizens of Pine Creek and surrounding country, feel truly thankful to you all for your kindness toward us during the present excitement, and for the trouble and the pains you have taken in assuring us that there was no danger.

We did not leave Pine Creek for fear of you, but for fear of other Indians; and in return for your kindness we, the undersigned citizens, are willing to assist you in petitioning Government to grant you a good title to your land, that you may lead a quiet and peaceful life, and we are willing to do anything in our power to promote the peace and happiness of you, Coeur d'Alenes.

(Signed:) N. M. Morris, M. A. Morris, H. S. Fanny, R. U. Young, B. F. Price, N. T. Price, T. W. Gholson, M. E. Gholson, B. A. Truax, S. A. Truax, M. Fountain. Thomas Booton, Frank Roctor, Jesse Walling, Harriet Walling, C. L. Chalwell, W. B. McJale, Caleta McJale, J. M. Pupst, A. E. Pupst, F. R. Martin, Mary A. Martin, F. E. McGrelen, W. H. Landes, Sanuk Welch, R. F. Stare, H. W. Walts, R. Price, Javah Price, G. O. Briggs, John Cummings, Martha Cummings, London C. Twine, J. F. Conkling, L. W. Davenport, Mary Davenport, John Moore, Editte Moore, Adin Davis, Jane Davis, Mary Fountain, M. W. Smith, F. C. Hayes, J. M. Woody, Lafayette Mary, Elizabeth Munes, F. M. Barm, Alrz. N. S. Barm, Lurindo Mone, Ana Mone, Sam Prere, W. T. Skigy, R. R. P. Romer, W. Brewer, Lene Brewer, Arthur Green, F. P. Connell, Miss S. Connell, F. D. Wazkeild, G. H. McQueen, L. McQueen, G. W. Truax, H. Truax, W. A. Hone, S. Grumley, Selena Grumley, Samuel Mone, Susane Mone, G. Y. Quaeler, Mary Campbell, Franklin Rector, Henny Edyson, C. S. Barton, R. J. Looch, Z. Smith, J. W. Smith, Charles Mone, S. J. More, Betz More, Lidia More, Andrew A. Rice, Agnes Brallam, Minna Brallam, P. Gilbert, Enuch Peoka, Oro Rector, S. D. Young, Fr. McCarrie, Sarah McCarrie, A. J. Price, Jack Sullivan, Msj. Lemh.

EXHIBIT G[5].

B.

LEWISTON, IDAHO, *August* 25, 1877.

The undersigned take pleasure in acknowledging the loyalty of the Coeur d'Alene Indians, and particularly Soltise, their head chief, through all the excitement attending the outbreak of the non-treaty Nez Percés.

When the settlers from Pine Creek left their homes for fear of Indian hostilities, Soltise assured them of the friendship of the Coeur d'Alenes, and even sent some of his people to guard their property until their return. His influence is great among the northern Indians, and it has been used to maintain peaceful relations between the whites and the Indians.

(Signed:) W. W. Johnson, F. Rector, P. Gilbert, A. H. Davenport, Aretar Cox, Edgar Davenport, Lincoln Davenport, Benjamin Hok, Robert Twart, D. M. Ringer, G. W. Chambert, E. Baldwin, J. H. Billups, L. W. Davenport, Po. Canty, W. B. Slefall, F. J. Hayfold, James Turner, F. E. McQueen, Willie A. Hone, W. Smith, J. Po. Lipvionile, E. C. Watkins, United States Indian inspector, M. C. Wilkinson, aide-de-camp, A. Brig. Gen. O. O. Howard, G. H. McQueen, J. V. Naughte, H. W. Walls, B. A. Price, James Ewart, Robert R. Hargrove, R. A. Truax, W. Brewer, H. Ephy, J. M. Propst, T. W. Gholson, W. H. Landes, Thomas Turner, W. M. U. Boun, S. D. Stephen, T. R. Mastin.

EXHIBIT G[6].

COLVILLE INDIAN AGENCY,
March 26, 1895.

SIR: I have the honor to inform you that the head chief, chiefs, and head-men of the Coeur d'Alenes have forwarded you a petition, to be transmitted by you to the Indian Department, wherein they give you a condensed history of their tribe and their desires. I would respectfully state that, officially and otherwise, since 1861, I have personally known many of the signers to the petition. In 1866, when agent for the Nez Percés at Lapwai, I was directed by Governor Ballard, *ex officio* superintendent of Indian affairs for Idaho, to proceed to the country of these people, and learn whether they desired to remove to the Flathead Reservation; or, if not, to select in their own country a suitable place for their reservation. Upon that visit I saw that they were workers *then* when it was considered by an Indian a disgrace to work, and when it was almost impossible to procure the necessary implements to work with, but in their fences and in what little farming could be done, where they were then located, they showed thrift and progress totally unexpected in *that* day. In 1875 "Nicodemus," one of the tribe, first commenced farming upon the present reserve. In the spring of 1876 two or three more opened small farms. In 1877 or 1878 they all commenced making small farms in different localities upon the reservation from "Stallams" village, farms near the Spokane River near Crowley's bridge, running south to the present mission nearly 40 miles, embracing within that distance some six or seven villages, the largest being near the present mission (De Smet) at the head of the Latah or Hangman Creek. Nearly

200 farms have been opened. For the first two or three years they struggled along as best they could, being poor and unable to purchase the necessary farming implements.

The only help they had was through the father connected with the mission, in furnishing plows and other tools and advice. At the present time their farms, houses, etc., show the effect of the good teaching they have received. All the males are good farmers, many of them (the older ones) having two or three hundred acres of land under a good substantial rail fence, and under cultivation. The younger men of the tribe, equally as good workers and fully as willing, but receiving no aid from the Government, except in their schools, have not the means to go ahead as they would wish. With the exception of one or two trappers (old men), all are farmers. You see no long hair worn by them, no blankets, no moccasins, *all* men and women wearing the dress of the whites. By their own labor and exertions so far (with, as before stated, the schools excepted), they have accumulated about 150 farm wagons, 8 or ten spring-wagons, 160 plows, harness, mowing and reaping machines, sulky-plows, etc.

They have a fine church, largely contributed to by themselves, in which about 200,000 feet of lumber was used in its construction, and costing nearly or quite $4,000. In educational matters they are deeply interested, as you have seen when visiting their schools. With proper encouragement they can become happy and prosperous people.

To you who have accomplished so much and given them so much good advice and encouragement since you have been their agent, they look for help in this matter. They say no agent has ever done so much before for them, and I would respectfully ask of you your earnest endeavors to accomplish for them what is asked in their petition.

Very respectfully, your obedient servant,

JAMES O'NEIL,
Resident Farmer, Coeur d'Alene.

Hon. SIDNEY D. WATERS,
United States Indian Agent, Colville Agency.

EXHIBIT H.

COMMITTEE ON APPROPRIATIONS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 31, 1886.

SIR: The inclosed letter of Mr. Lusk and its accompanying petition from the head chief of the Coeur d'Alene Indians, not being within the jurisdiction of the select committee of the House charged with making certain inquiries touching Indian Affairs, etc., was not embraced in their recent report, but is respectfully referred to your Department for consideration.

Very respectfully,

WM. S. HOLMAN,
Chairman Select Committee on Indian Affairs, etc.,
House of Representatives.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

EXHIBIT I.

SPOKANE FALLS, WASH., *January* 10, 1886.

DEAR SIR: Several Spokane Indians came to see me yesterday, and they told me to write to you to help them to get a piece of land as their own reservation. Geary and Welsho Louis, both head chiefs, made speeches and spoke very forcibly to show their rights. Welsho Louis wants you to obtain for him the privilege to go to Washington with one or two of his men, so that he himself could tell to the President the miserable condition in which more than four hundred people of his tribe are since the coming of the whites into their territory.

The United States agents at Colville and several of the fathers have tried their best for several years to persuade them to go into some reservation, but they stubbornly objected to this; they say they want to be a nation as God made them, and if they can not obtain that they prefer to die than to be subjected to any other Indian tribe.

Please let them hear from you as soon as you conveniently can.

They even object to go to Washington with any people of any other tribe. To hear them you would believe that their national pride is not less than that of the old Romans.

Very respectfully, yours,

JOS. M. CATALDO, S. J.

Capt. JOHN MULLAN.

EXHIBIT 189

CONGRESSIONAL RECORD - SENATE.

[June 7] 1890. [Page] 5769

AGREEMENTS WITH COEUR D'ALÊNE INDIANS.

The bill (S. 2828) to ratify and confirm certain agreements with the Coeur d'Alêne Indians in Idaho Territory, and to make the necessary appropriations for carrying the same into effect, and for other purposes therein named was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. DAWES. I think the Senate will consent to omit the reading of the long list of Indian names which is contained in the bill.

The PRESIDING OFFICER. They will be omitted, if there be no objection. The Chair hears none.

Mr. MITCHELL. I suppose the amendments might be read now.

The PRESIDING OFFICER. The first amendment reported by the committee will be read.

Mr. MITCHELL. Omitting the names of the Indians, on page 18 is an amendment of the committee, inserting a new section as section 4.

Mr. BLAIR. I think those names ought to be read.

Mr. MITCHELL. Oh, no, Mr. President.

Mr. DAWES. Really no mortal man can read them at all. They might be printed in the RECORD if the Senator from New Hampshire desires.

Mr. MITCHELL. The Senator from New Hampshire could not pronounce them himself.

Mr. BLAIR. I would not pronounce them in the Senate.

Mr. SPOONER. The Senator from New Hampshire wants to demonstrate the necessity for the educational bill, I suppose.

The PRESIDING OFFICER. The Chair is advised that the reading of the bill has not been concluded. The reading will be continued, omitting the names.

The Secretary resumed and concluded the reading of the bill.

The first amendment reported by the Committee on Indian Affairs was, in section 3, on page 16, line 19, after the word "agreements," to strike out:

The remaining $120,000 of the said $150,000 shall be paid in fifteen equal annual installments of $8,000 each, after the payment of the first installment of $30,000, the first of said fifteen annual installments to be paid on the ___ day of ___, 18___, and the said sum of $120,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, in order to meet such annual installments, respectively, said installments to be paid to said Coeur d'Alène Indians annually as aforesaid by the United States, and to be expended in the manner and for purposes as recited in article 6, or 7, or 8, or 9, one or all of the first of said agreements.

The amendment was agreed to.

The next amendment was, in section 3, line 35, before the word "thousand," to insert "hundred;" so as to read:

> And for the purpose of meeting the requirements of articles 2 and 3 of the second agreement aforesaid, the sum of $500,000 is hereby appropriated, etc.

The amendment was agreed to.

The next amendment was to strike out sections 4 and 5, as follows:

> SEC. 4. That for the pay of the services of a physician, blacksmith, and carpenter and for the purchase of medicines for said Coeur d'Alène tribe of Indians, the sum of $___ be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated. There is also hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the additional sum of $___, to be used in the building of suitable houses for the accommodation of the agency employes on said Coeur d'Alène Indian reservation, and for the purchase of necessary tools and materials for use by the carpenter, blacksmith, and other artisan employés, and also for the purpose of definitely surveying and determining the outboundaries of the said Coeur d'Alène Indian reservation, wherever not marked by natural objects, the sum of $5,000 of the foregoing amount, or so much thereof as may be necessary, to be used for this purpose, the same to be expended under the direction of the Secretary of the interior.
>
> SEC. 5. That all lands so sold or released to the United States, as recited or described in both of said two agreements shall, upon the passage

of this act, be subject to the operations of the land laws of the United States, applicable to the disposal of lands in the State of Washington and in Idaho Territory, and which law are now hereby extended thereto.

Mr. DAWES. The Senator from Oregon [Mr. MITCHELL] desires to offer an amendment at that point.

Mr. MITCHELL. I desire to offer an amendment to the amendment of the committee.

The PRESIDING OFFICER. The Secretary has not completed the reading of the amendment of the committee. When that has been completed the amendment of the Senator will be in order.

Mr. COCKRELL. Let the amendment that is to be amended be reported.

Mr. MITCHELL. Has the amendment of the committee been read?

The PRESIDING OFFICER. The reading has not been completed. The committee propose to insert in lieu of what has been stricken out what will now be read.

The SECRETARY. It is proposed to insert in lieu of sections 4 and 5 the following:

SEC. 4. That all lands so sold and released to the United States, as recited or described in both of said agreements, shall, on the passage of this act, be restored to the public domain, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law and under the law relative to town sites: *Provided*, That each settler, under and in

> accordance with the provisions of said homestead act, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, the sum of $1.25 per acre, and shall be entitled to a patent therefore, in accordance with said homestead laws, and after the full payment of said sums; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of Revised Statutes of the United States, shall not be abridged, except as to the said sum to be paid as aforesaid.

Mr. MITCHELL. I offer the amendment which I send to the desk to come in after the word "agreements," in line 2 of the new section 4.

The PRESIDING OFFICER. The Senator's amendment will be stated.

The SECRETARY. After the word "agreements," in line 2 of section 4, it is proposed to insert "and not heretofore granted;" so as to read:

> That all lands so sold and released to the United States, as recited or described in both of said agreements, and not heretofore granted, shall, on the passage of this act, be restored to the public domain, etc.

Mr. MITCHELL. The object of this amendment is simply to preserve the rights of any parties who may have acquired rights from these Indians prior to the execution of this agreement.

Mr. REAGAN. I move to amend further, after the word "granted," by saying "or reserved from entry or location."

The PRESIDING OFFICER. That amendment is not at this moment in order unless the Senator from Oregon modifies his amendment so as to accept it.

Mr. DAWES. What has the Senator in mind?

Mr. REAGAN. I understand that is a general provision to take up lands anywhere.

Mr. DAWES. This bill puts in the public domain a large tract of land and provides in very minute particulars how it can be taken by settlers. Perhaps if the Senator would read the whole of it he would be satisfied.

Mr. REAGAN. Does it not include the country at large?

Mr. DAWES. No.

Mr. REAGAN. What particular part of the country does it relate to?

Mr. DAWES. The Coeur d'Alène reservation.

Mr. REAGAN. If it only applies to that I do not know that I care to press the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon [Mr. MITCHELL] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. MITCHELL. I offer the amendment which I send to the desk to come in after the words "town sites," in line 6 of section 4.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 4, line 6, after the words "town sites," insert "or to locators and purchasers under the mineral laws of the United States;" so as to read:

> And shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law and under the law relative to town sites, or to locators and purchasers under the mineral laws of the United States.

Mr. MITCHELL. The object of that amendment is simply to enable parties to take up the lands that have been thrown open by this treaty, under the mineral law.

The amendment to the amendment was agreed to.

Mr. MITCHELL. I offer the following amendment to come in after the word "settler," in line 7 of section 4: to insert the words "or purchaser," simply to make the section conform to what has been already agreed to.

The amendment to the amendment was agreed to.

Mr. MITCHELL. Now, in line 12 of section 4. I move to strike out the words "homestead laws" and insert "law under which the same may be entered as aforesaid;" so as to read:

> And shall be entitled to a patent therefor, in accordance with said law under which the same may be entered as aforesaid, and after the full payment of said sums.

Mr. DAWES. Was the amendment suggested by the Senator from Texas [Mr. REAGAN] adopted?

The PRESIDING OFFICER. It was not in order.

Mr. REAGAN. Let me inquire is this land in the Territory of Idaho?

Mr. MITCHELL. It is in the Territory of Idaho, not in the arid, but in the mountain region, and passes under the name of mineral and timber land. There is no arid country.

Mr. REAGAN. I think I had better insist on the amendment which I proposed.

The PRESIDING OFFICER. As soon as the pending's amendment is disposed of the amendment of the Senator from Texas will be in order. The question is on the amendment of the Senator from Oregon to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. REAGAN. Now, I move, in line 2, after the word "granted," to insert the words "or reserved from entry or location."

Mr. DAWES. Let us see how it will read then.

Mr. REAGAN. The Secretary has the amendment.

Mr. COCKRELL. Let the line and place where it comes in be reported.

[Page 5770] The CHIEF CLERK. On page 18, section 4, line 2, after the word "granted," it is proposed to insert "or reserved from entry or location;" so as to read:

> That all lands so sold or leased to the United States as recited or described in both of said agreements, and not heretofore granted or reserved from entry or location, shall, on the

passage of this act, be restored to the public domain, etc.

Mr. DAWES. I do not see that that will do any harm, and for abundant caution it may be well enough to put it in, although I do not understand that this land is anywhere near those reservations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

* * *

EXHIBIT 2293

CONGRESSIONAL RECORD – HOUSE
[June 10, 1890]

AGREEMENT WITH COEUR D'ALENE INDIANS.

[page 5905] The SPEAKER laid before the House the bill (S. 2828) to ratify and confirm certain agreements with the Coeur d'Alene Indians in Idaho Territory, and to make the necessary appropriations for carrying the same into effect, and for other purposes therein named.

Mr. KERR, of Iowa. I make the point of order that this bill should go to the committee of the Whole.

The SPEAKER. That point can not be made until after the bill has been read.

Mr. PERKINS. I will say that a House bill similar in its provisions to this has been considered by the Committee on Indian Affairs, has been favorably reported, and is now upon the Calendar.

Mr. PEEL. Is this bill the same in substance as the House bill?

The SPEAKER. In all these matters the Chair must depend upon the information of members of the committees. When the Chair is thus informed that a House committee has acted favorably on a House bill similar in substance to a Senate bill on the Speaker's table, he can not question the statement. The Chair will inquire of the gentleman from Kansas [Mr. PERKINS] whether his committee has requested that this bill be brought up.

Mr. PERKINS. I am not quite sure that the committee has made any direction or order of that character. I

request that the bill remain on the table until the committee can act.

The SPEAKER. The gentleman requests that while awaiting action of the committee this bill remain on the table. Is there objection? The Chair hears none.

* * *

EXHIBIT 2294

IDAHO ADMISSION BILL

[26 Stat. L. 215, ch. 656.]

AN ACT

To Provide for the Admission of the State of Idaho into the Union

Art. XXI, § 19

* * *

PREAMBLE

Whereas, The people of the territory of Idaho did, on the 4th day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a constitution, which constitution was ratified and adopted by the people of said territory at an election held therefor on the first Tuesday in November, 1889, which constitution is republican in form, and is in conformity with the Constitution of the United States; and,

Whereas, said convention and the people of said territory have asked the admission of said territory into the Union of States on an equal footing with the original states in all respects whatever. Therefore,

§ 1. Idaho admitted to union – Constitution ratified. – The state of Idaho is hereby declared to be a state of the United States of America, and is hereby declared admitted into the union on an equal footing with the original states in all respects whatever; and that the constitution which the people of Idaho have formed for

themselves be, and the same is hereby, accepted, ratified, and confirmed.

* * *

CONSTITUTION OF THE STATE OF IDAHO

Approved July 3, 1890.

* * *

PREAMBLE

We, the people of the state of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare do establish this Constitution.

* * *

[Art. XXI, § 19]

§ 19. Religious freedom guaranteed – Disclaimer of title to Indian lands. – It is ordained by the state of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested in person or property on account of his or her mode of religious worship. And the people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands

belonging to citizens of the United States, residing without the said state of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereof. That no taxes shall be imposed by the state on the lands or property therein belonging to, or which may hereafter be purchased by, the United States, or reserved for its use. And the debts and liabilities of this territory shall be assumed and paid by the state of Idaho. That this ordinance shall be irrevocable, without the consent of the United States and the people of the state of Idaho.

EXHIBIT 205

51st Congress 1st *Session.* HOUSE OF REPRESENTATIVES Report No. 2988.

RATIFICATION OF COEUR D'ALENE INDIAN TREATIES IN IDAHO.

August 19, 1890. – Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WILSON, of Washington, from the Committee on Indian Affairs, submitted the following

REPORT:
[To accompany S. 2828.]

The Committee on Indian Affairs, to which was referred Senate bill no. 2828, "to ratify and confirm certain agreements with the Coeur d'Alene Indians in Idaho, and to make the necessary appropriations for carrying the same into effect, and for other purposes," have had the same under consideration and report as follows:

House bill No. 7703 is exactly the same as the Senate bill, and was fully considered by the committee and reported favorably to the House in Report No. 1109; to which reference is made. Your committee therefore favorably recommend the passage of this bill.

[Page 2] House Report No. 1109,
Fifty-first Congress, first session.

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7703) "to ratify and confirm certain

agreements with the Coeur d'Alene Indians in Idaho Territory, and to make the necessary appropriations for carrying the same into effect, and for other purposes therein named," having had the same under consideration, report as follows:

Your committee recommend the passage of this bill, the object of which is to ratify and confirm two certain agreements heretofore made with the Coeur d'Alene Indians in Idaho Territory, to make the necessary appropriations for carrying the same into effect, and for other purposes therein named.

* * *

[Omitted text identical to text in Exhibit 206, Joint Appendix pages 263-358]

* * *

[Page 47] **EXHIBIT I.**

SPOKANE FALLS, WASH., *JANUARY* 10, 1886.

DEAR SIR: Several Spokane Indians came to see me yesterday, and they told me to write to you to help them to get a piece of land as their own reservation. Geary and Welsho Louis, both head chiefs, made speeches and spoke very forcibly to show their rights. Welsho Louis wants you to obtain for him the privilege to go to Washington with one or two of his men, so that he himself could tell to the President the miserable condition in which more than four hundred people of his tribe are since the coming of the whites into their territory.

The United States agents at Colville and several of the fathers have tried their best for several years to

persuade them to go into some reservation, but they stubbornly objected to this; they say they want to be a nation as God made them, and if they can not obtain that they prefer to die than to be subjected to any other Indian tribe.

Please let them hear from you as soon as you conveniently can.

They even object to go to Washington with any people of any other tribe. To hear them you would believe that their national pride is not less than that of the old Romans.

Very respectfully yours,

JOS. M. CATALDO, S. J.

Capt. JOHN MULLAN.

EXHIBIT 2314

THE
STATUTES AT LARGE
OF THE
UNITED STATES OF AMERICA,
FROM
DECEMBER, 1889, TO MARCH, 1891,
AND
RECENT TREATIES, CONVENTIONS, AND EXECUTIVE PROCLAMATIONS.

EDITED, PRINTED, AND PUBLISHED BY
AUTHORITY OF CONGRESS, UNDER THE
DIRECTION OF THE SECRETARY OF STATE.

VOL. XXVI.

WASHINGTON:
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* * *

March 3, 1891

CHAP. 543. – An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes.

* * *

SEC. 19. The following agreement entered into on the part of the United States by John V. Wright, Jared W. Daniels and Henry W. Andrews, Commissioners with the Coeur d'Alene Indians in Idaho Territory signed on the part of said Indians by Chief Andrew Seltice, and others which bears date March twenty-sixth, eighteen hundred

and eighty-seven, and now on file in the Interior Department, is hereby accepted, ratified, and confirmed and is in the following words, to-wit:

AGREEMENT WITH COEUR D'ALENE.

This agreement made pursuant to an item in the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-seven, and for other purposes," approved May fifteenth, eighteen hundred and eighty-six, by John V. Wright, Jared W. Daniels, and Henry W. Andrews, duly appointed commissioners on the part of the United States and the Coeur d'Alene tribe of Indians now residing on the Coeur d'Alene Reservation, in the Territory of Idaho, by their chiefs, headmen, and other male adults, whose names are hereunto subscribed, they being duly authorized to act in the premises, witnesseth:

ARTICLE I.

Whereas said Coeur d'Alene Indians were formerly possessed of a large and valuable tract of land lying in the Territories of Washington, Idaho, and Montana, and whereas said Indians have never ceded the same to the United States, but the same, with the exception of the present Coeur d'Alene Reservation, is held by the United States and settlers and owners deriving title from the United States, and whereas said Indians have received no compensation for said land from the United States: Therefore,

ARTICLE 2.

For the consideration hereinafter stated the said Coeur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States all right, title, and claim which they now have, or ever had, to all lands in said Territories and elsewhere, except the portion of land within the boundaries of their present reservation in the Territory of Idaho, known as the Coeur d'Alene Reservation.

ARTICLE 3.

The said Coeur d'Alene Indians agree and consent that the Upper and Middle bands of Spokane Indians residing in and around Spokane Falls, in the Territory of Washington, may be removed to the Coeur d'Alene Reservation and settled thereon in permanent homes on the terms and conditions contained in an agreement made and entered into by and between John V. Wright, Jared W. Daniels, and Henry W. Andrews, commissioners on the part of the United States and said Spokane Indians, concluded on the fifteenth day of March, eighteen hundred and eighty-seven, at Spokane Falls, in the Territory of Washington.

ARTICLE 4.

And it is further agreed that the tribe or band of Indians known as Calespels, now residing in the Calespel Valley, Washington Territory, and any other bands of non-reservation Indians now belonging to the Colville Indian

Agency, may be removed to the Coeur d'Alene Reservation by the United States, on such terms as may be mutually agreed on by the United States and any such tribes or bands.

ARTICLE 5.

In consideration of the foregoing cession and agreements, it is agreed that the Coeur d'Alene Reservation shall be held forever as Indian land and as homes for the Coeur d'Alene Indians, now residing on said reservation, and the Spokane or other Indians who may be removed to said reservation under this agreement, and their posterity: and no part of said reservation shall ever be sold, occupied, open to white settlement, or otherwise disposed of without the consent of the Indians residing on said reservation.

ARTICLE 6.

And it is further agreed that the United States will expend for the benefit of said Coeur d'Alene Indians the sum of one hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior, as follows: For the first year, thirty thousand dollars, and for each succeeding year for fifteen years, eight thousand dollars. As soon as possible after the ratification of this agreement by Congress, there shall be erected on said reservation a saw and grist mill, to be operated by steam, and an engineer and miller employed, the expenses of building said mill and paying the engineer and miller to be paid out of the funds herein provided. The remaining portion of said thirty thousand

dollars, if any, and the other annual payments shall be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Coeur d'Alene Indians, parties hereto.

ARTICLE 7.

It is further agreed that if it shall appear to the satisfaction of the Secretary of the Interior that in any year in which payments are to be made as herein provided said Coeur d'Alene Indians are supplied with such useful and necessary articles and do not need the same, and that they will judiciously use the money, then said payment shall be made to them in cash.

ARTICLE 8.

It is further agreed that any money which shall not be used in the purchase of such necessary articles or paid over, as provided in article seven, shall be placed in the Treasury of the United States to the credit of the said Coeur d'Alene Indians, parties hereto, and expended for their benefit, or paid over to them, as provided in the foregoing articles.

ARTICLE 9.

It is further agreed that in the purchase for distribution of said articles for the benefit of said Indians the wishes of said Indians shall be consulted as to what useful articles they may need, or whether they need any

at all, and their wishes shall govern as far as it is just and proper.

ARTICLE 10.

It is further agreed that in the employment of engineers, millers, mechanics, and laborers of every kind, preference shall be given in all cases to Indians, parties hereto, qualified to perform the work and labor, and it shall be the duty of all millers, engineers, and mechanics to teach all Indians placed under their charge their trades and vocations.

ARTICLE 11.

It is further agreed that in addition to the amount heretofore provided for the benefit of said Coeur d'Alene Indians the United States, at its own expense, will furnish and employ for the benefit of said Indians on said reservation a competent physician, medicines, a blacksmith, and carpenter.

ARTICLE 12.

In order to protect the morals and property of the Indians, parties hereto, no female of the Coeur d'Alene tribe shall be allowed to marry any white man unless, before said marriage is solemnized, said white man shall give such evidence of his character for morality and industry as shall satisfy the agent in charge, the minister in charge, and the chief of the tribe that he is a fit person to reside among the Indians; and it is further agreed that Stephen E. Liberty, Joseph Peavy, Patrick Nixon, and

Julien Boutelier, white men who have married Indian women and with their families reside on the Coeur d'Alene Reservation, are permitted to remain thereon, they being subject, however, to all laws, rules, and regulations of the Commissioner of Indian Affairs applicable to Indian reservations.

ARTICLE 13.

It is further agreed and understood that in consideration of the amount expended in buildings and other improvements on said Coeur d'Alene Reservation for religious and educational purposes by the De Smet Mission, and valuable services in the education and moral training of children on said reservation, and in consideration that the Indians, parties hereto, have donated for said purposes one section of land on which is situated the boys' school, one section on which is situated the girl's school, and one section of timbered land for use of the schools, that said De Smet Mission and its successors may continue to hold and use said three sections of land and the buildings and improvements thereon so long as the same shall be used by said De Smet Mission and its successors for religious and educational purposes.

ARTICLE 14.

This agreement shall not be binding on either party until ratified by Congress.

In testimony whereof the said John V. Wright, Jared W. Daniels, and Henry W. Andrews, on the part of the United States, and the chiefs, headmen, and other adult

Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission on the Coeur d'Alene Reservation, in the Territory of Idaho, on this the twenty-sixth day of March, in the year of our Lord one thousand eight hundred and eighty-nine.

SEC. 20. that the following agreement entered into with the said Coeur d'Alene Indians by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, Commissioners on the part of the United States, signed by said Commissioners and by said Andrew Seltice, Chief, and others, on the part of said Indians, which agreement bears date September ninth, eighteen hundred and eighty-nine, and is now on file in the Interior Department, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

AGREEMENT

This agreement, made pursuant to an item of an Act of Congress, namely; Section 4 of the Indian appropriation act, approved March two, eighteen hundred and eighty-nine, (25 Stat., 1002), by Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, duly appointed commissioners on the part of the United States, parties of the first part, and the Coeur d'Alene tribe of Indians, now residing on the Coeur d'Alene Reservation in the Territory of Idaho, by their chiefs, headmen, and other male adults whose names are hereunto subscribed, parties of the second part witnesseth:

ARTICLE 1.

For the consideration hereinafter named the said Coeur d'Alene Indians hereby cede, grant, relinquish, and quitclaim to the United States, all the right, title, and claim which they now have, or ever had, to the following-described portion of their reservation, to wit: Beginning at the northeast corner of the said reservation, thence running along the north boundary line north sixty-seven degrees twenty-nine minutes west to the head of the Spokane River; thence down the Spokane River to the northwest boundary corner of the said reservation; thence south along the Washington Territory line twelve miles; thence due east to the west shore of the Coeur d'Alene Lake; thence southerly along the west shore of said lake to a point due west of the mouth of the Coeur d'Alene River where it empties into the said lake; thence in a due east line until it intersects with the eastern boundary line of the said reservation; thence northerly along the said east boundary line to the place of beginning.

ARTICLE 2.

And it is further agreed, in consideration of the above, that the United States will pay to the said Coeur d'Alene tribe of Indians the sum of five-hundred thousand dollars, the same to be paid to the said Coeur d'Alene tribe of Indians upon the completion of all the provisions of this agreement.

ARTICLE 3.

It is further agreed that the payment of money aforesaid shall be made to the said tribe of Indians pro rata or share and share alike for each and every member of the said tribe as recognized by said tribe now living on said reservation.

ARTICLE 4.

It is further agreed and understood that this agreement shall not be binding on either party until the former agreement now existing between the United States by the duly-appointed commissioners and the said Coeur d'Alene tribe of Indians, bearing date March twenty-sixth, eighteen hundred and eighty-seven, shall be duly ratified by Congress; and in the event of the ratification of the aforesaid agreement of March twenty-sixth, eighteen hundred and eighty-seven, then this agreement to be and remain in full force and effect but not binding on either party until ratified by Congress. In witness whereof the said Benjamin Simpson, John H. Shupe, and Napoleon B. Humphrey, on the part of the United States, and the chiefs, headmen, and other adult male Indians, on the part of the Indians, parties hereto, have hereunto set their hands and affixed their seals.

Done at De Smet Mission, on the Coeur D'Alene Reservation, in the Territory of Idaho, this the 9th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

SEC. 21. That for the purpose of carrying into effect the provisions of said two agreements with said Coeur

d'Alene Indians there are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, in the manner and for the purpose as hereinafter specifically stated the following sums, to wit: For the first installment of one hundred and fifty thousand dollars, as provided for in article six of the first of said agreements, thirty thousand dollars, to be expended for the building and erection on said Coeur d'Alene Indian reservation of a saw and grist mill, to be operated by steam, and for the payment of the wages of the engineer and miller to be employed in said mill, respectively, the remaining portion of said thirty thousand dollars, if any, to be expended in the purchase of such useful and necessary articles as shall best promote the progress, comfort, improvement, education, and civilization of said Coeur d'Alene Indians, all of said articles to be purchased, and said engineer and miller to be employed as near as may be in strict conformity with articles nine and ten of the first of said agreements. And for the purpose of meeting the requirements of articles two and three of the second agreement aforesaid the sum of five hundred thousand dollars is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid by the United States to the said Coeur d'Alene tribe of Indians upon their compliance with all the provisions of the said second agreement hereinbefore recited, the same to be paid to the said tribe of Indians pro rata, or share and share alike, for each and every member of the said tribe as recognized by said tribe now living on said reservation.

SECTION 22. That all lands so sold and released to the United States, as recited or described in both of said agreements, and not heretofore granted or reserved from

entry or location, shall, on the passage of this act, be restored to the public domain, and shall be disposed of by the United States to actual settlers only, under the provisions of the homestead law, except section twenty-three hundred and one of the Revised Statutes of the United States, which shall not apply, and under the law relative to town sites or to locators or purchasers under the mineral laws of the United States: *Provided*, That each settler or purchaser under and in accordance with the provisions of said homestead act, shall pay to the United States, for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of one dollar and fifty cents per acre, one-half of which shall be paid within two years; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States shall not be abridged, except as to the said sum to be paid as aforesaid: *Provided further*, That the Secretary of the Interior shall cause to be surveyed for and patented to Frederick Post, upon his making final proof of all thereof before the register and receiver of the proper United States Land office, and to the satisfaction of the Commissioner of the General Land Office and Secretary of the Interior, and paying therefore two dollars and fifty cents per acre and the cost of making such survey of such portion of said reservation as is recited in the agreement in word and figures as follows, to wit:

"Know all men by these presents that I, Andrew Seltice chief of the Coeur d'Alene Indians, did on the first day of June, A. D. eighteen hundred and seventy-one,

with the consent of my people, when the country on both sides of the Spokane River belonged to me and my people, for a valuable consideration sell to Frederick Post the place now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water-power); said sale included all three of the river channels and islands, with enough land on the north and south shores for water-power and improvements; and have always protected the said Frederick Post, for eighteen years, in the rights there and then conveyed, and he has always done right with me and my people. We, the chiefs of the Coeur d'Alenes, have signed articles of agreement with the Government to sell the portion of the reservation joining Post Falls, in which we have excepted the above-prescribed rights, before conveyed to Frederick Post, and no Indian and no white man except Frederick Post have any rights on the above-described lands and river channels; the said Frederick Post has fulfilled all of his agreements with me and my people by improving the water-power and building mills at great expense, and I hereby authorize him to build a house and take full possession of the above-described lands on the reservation side, so that when the treaty is confirmed he may have full possession and protection of the Government in the same.

"Given under my hand and seal this 16th day of Sept'r., A. D. 1889.

his
"ANDREW x SELTICE.
mark.

* * *

EXHIBIT 207

HOUSE OF REPRESENTATIVES.

53D CONGRESS, 2d Session.) (Ex. Doc. No. 158.

AGREEMENT WITH COEUR D'ALENE INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

An agreement with the Coeur d'Alene Indians in Idaho, for a change of the northern boundary line of their reservation.

MARCH 23, 1894. – Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR.
WASHINGTON, MARCH 22, 1894.

SIR: I have the honor to transmit herewith an agreement with the Coeur d'Alene Indians in Idaho for a change in the northern boundary line of their reservation so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located.

This agreement was negotiated in pursuance of a clause contained in the Indian appropriation act for the fiscal year 1894 (27 Stats., 616). It has been considered by the Commissioner of Indian Affairs and the Commissioner of the General Land Office, as shown by the

reports herewith, dated 27th ultimo and 14th instant, respectively.

I also transmit herewith a draft of a bill to ratify the agreement, with request that the same may receive the favorable action of Congress.

Very respectfully,

HOKE SMITH,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 27, 1894.

SIR: Referring to the correspondence relative to negotiating with the Coeur d'Alene Indians of Idaho for a change in the northern boundary line of their reservation, so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located, in

* * *

The cession contemplated by said item having failed for the reasons above stated, another item looking to the accomplishment of the same object was inserted in the act making appropriations for current and contingent expenses and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June 30, 1894 (27 Stats., 016). Said item is as follows:

The Secretary of the Interior is hereby directed to negotiate with the Coeur d'Alene Indians for a change of the northern line of their reservation, so as to exclude

therefrom a strip of land on which the town of Harrison and numerous settlers are located.

That the foregoing provision shall take effect and be in force after it shall have been submitted to and duly agreed to by the Indians of said tribe and approved by the Secretary of the Interior.

Agreement concluded on the 7th day of February, 1894, between John Lane, special U.S. Indian agent, on the part of the United States, and the Indians of the Coeur d'Alene Reservation in the State of Idaho.

ARTICLE I.

This agreement made on the 7th day of February, 1894, by John Lane, U.S. special Indian agent, on the part of the United States, and the Coeur d'Alene Indian, residing on the Coeur d'Alene Reservation, in the State of Idaho, by their chiefs, headmen, and principal men, embracing a majority of all the male adult Indians occupying said reservation, pursuant to an item in the act of Congress, making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for the fiscal year ending June 30, 1894, as follows:

"The Secretary of the Interior is hereby directed to negotiate with the Coeur d'Alene Indians for a change of the northern line of their reservation so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located.

"That the foregoing provision shall take effect and be in force, after it shall have been submitted to and agreed to by the Indians of said tribe, and approved by the Secretary of the Interior."

Witnesseth, that the said Indians, for the consideration hereinafter named, do hereby cede, grant, and relinquish to the United States all right, title, and claim which they now have or ever had of, in, and to all the land embraced within the following-described tract, now a part of their reservation, to wit:

Beginning at a point on the north line of the reservation, on the east bank of the mouth of the Coeur d'Alene River, and running due south one mile, thence due east parallel with the north boundary line to the east boundary line, thence north on the east boundary line to the northeast corner of the reservation, thence west on the north boundary line to the point of beginning.

ARTICLE II.

And it is further agreed, in consideration of the above, that the United States will pay to the said Coeur d'Alene tribe of Indians the sum of fifteen thousand ($15,000) dollars, the same to be paid to the said Indians upon the completion of all the provisions of this agreement.

ARTICLE III.

It is further agreed that the payment of the money aforesaid shall be made to the said tribe of Indians pro rata, or share and share alike, for each and every member

of the said tribe as recognized by said tribe now living on said reservation.

ARTICLE IV.

The new boundary lines of the reservation, established by this agreement, or such portions thereof as are not defined by natural objects, shall be surveyed and marked in a plain and substantial manner. The cost of such surveys are to be paid by the United States.

ARTICLE V.

This agreement shall not be binding upon either party until ratified by Congress. Dated and signed at De Smet Mission, Idaho, this 7th day of February, 1894.

JOHN LANE,
U. S. Special Indian Agent.

Witness:
GEO. F. STEELE

The foregoing articles of agreement, having been fully explained to us in open council, we, the undersigned, chiefs, headmen, and principal men of the Coeur d'Alene tribe of Indians residing on the Coeur d'Alene Reservation, State of Idaho, do hereby consent and agree to all the stipulations therein contained.

Witness our hands and seals at De Smet Mission, State of Idaho, this 7th day of February, 1894.

1. Andrew Seltice, his x mark, seal.
2. Pierre Wild Shue, his x mark, seal.
3. Pierre Mac tal me, his x mark, seal.

Head chiefs of the
Coeur d'Alene Indians.

4. Arasis So so lum so, his x mark, seal.
5. Bonamachy Kon qul macy, his x mark, seal.
6. Bassa Silla, his x mark, seal.
7. Ad da wa, his x mark, seal.
8. Sap pler, his x mark, seal.
9. Camille Tim sin co, his x mark, seal.
10. Now el, his x mark, seal.
11. Louie Ans kou, his x mark, seal.
12. Ar ra pa, his x mark, seal.
13. Neoe kon ta, his x mark, seal.
14. Ben Kol le ra, his x mark, seal.
15. Andrew Mal mal la ca, his x mark, seal.
16. A chau, his x mark, seal.
17. Pi o uso, his x mark, seal.
18. Louie Antelope, his x mark, seal.
19. Basil, his x mark, seal.
20. Ko nel use, his x mark, seal.
21. Neos Che as so, his x mark, seal.

22. Arriarions, his x mark, seal.
23. Andrew Diat so ka, his x mark, seal.
24. Paul A chin na, his x mark, seal.
25. Daniel, his x mark, seal.
26. Sebastian Col la quin, his x mark, seal.
27. Peal, his x mark, seal.
28. Louie Mechell, his x mark, seal.
29. Pierre Joseph La ya isb, his x mark, seal.
30. Paul, his x mark, seal.
31. Lo Lo A whopt, his x mark, seal.
32. Stanislaus, his x mark, seal.
33. Moses lli a man, his x mark, seal.
34. Lonie Michataw, his x mark, seal.
35. Andrew Timothy, seal.
36. Joseph Whis ta kon, his x mark, seal.
37. Lonie Koe qum ta, his x mark, seal.
38. Leo rico ten sh ta, his x mark, seal.
39. Pierra Basa, his x mark, seal.
40. Phillip, his x mark, seal.
41. So set Ar I men saw, his x mark, seal.
42. A pel Kwa wild shoe, his x mark, seal.
43. Louis Neas, seal.
44. Samuel, his x mark, seal.
45. Nicodemns Cor o toe, his x mark, seal.

46. Bedell To mom or kin, his x mark, seal.
47. Louie Mul kap see, his x mark, seal.
48. Camille, his x mark, seal.
49. Augustine Chil chil ta, his x mark, seal.
50. Thomas Kioo, will aka, his x mark, seal.
51. Japarie Tal ya ya, his x mark, seal.
52. Basil Qua qua soo, his x mark, seal.
53. Alex son, his x mark, seal.
54. Francis She to la, his x mark, seal.
55. Sol Louie, his x mark, seal.
56. Seymour, his x mark, seal.
57. Neon Took la, his x mark, seal.
58. Prosper Tim el po, his x mark, seal.
59. Theodore Zoal mo schn ke, his x mark, seal.
60. Pierre Joseph Kkiki, his x mark, seal.
61. Al lech chco chin takin, his x mark, seal.
62. Sa cro Ta chim na, his x mark, seal.
63. Louis Bis cha, his x mark, seal.
64. A chan Sol lo to ca, his x mark, seal.
65. Pierre Kol kol lu ie, his x mark, seal.
66. Thomas, his x mark, seal.
67. Isadore, his x mark, seal.
68. Pat Davenport, his x mark, seal.
69. Neon Paul, his x mark, seal.

70. Adrian, his x mark, seal.
71. Lonie Cho ta wa, his x mark, seal.
72. Joseph Spol quil quo, his x mark, seal.
73. Na chan, his x mark, seal.
74. Neos, his x mark, seal.
75. Mas colla Chis ches ta, his x mark, seal.
76. Andrew Yonmas, his x mark, seal.
77. Abraham W [illegible], his x mark, seal.
78. Leo So wo Kon ta, his x mark, seal.
79. Abraham So o qua kim, his x mark, seal.
80. Joseph Ko lum quhway, his x mark, seal.
81. Benjamin Chil spo, his x mark, seal.
82. Lonio Sam, his x mark, seal.
83. Joseph Leo chum smee, his x mark, seal.
84. Luke Talo mn kum, his x mark, seal.
85. Phillip Weleho, seal.
86. Louie Seo oc com mens, his x mark, seal.
87. Paul Polotkan, seal.
88. Leo Ho ho o lo, his x mark, seal.
89. Leo Go Ka sah, his x mark, seal.
90. Bernard Spa cum sco, his x mark, seal.
91. Basil Clo chim mo, his x mark, seal.
92. Pierre New wok en, his x mark, seal.
93. Baren Jo shin neo, his x mark (old chief), seal.

94. Dn Bos Se la, his x mark, seal.

95. Andrew Al lo quit so, his x mark, seal.

96. Camillo Chn mo tnl ha, his x mark, seal.

97. Louis Pierre, seal.

98. Louis Lee, seal.

99. Louie Toto, his x mark, seal.

100. Phillip Stellam, seal.

101. Colshan, his x mark, seal.

102. Patrick Nixon, seal.

103. S. E. Liberty, seal.

104. Joseph Peavy, seal.

105. Moise I. Kaynsank, his x mark, seal.

106. Sehlateen, his x mark, seal.

107. Leon, his x mark, seal.

108. Louis Pein, his x mark, seal.

109. William Mason, his x mark, seal.

110. James Finley, his x mark, seal.

111. Nel cool lim tn, his x mark, seal.

112. Charles Du prey, his x mark, seal.

Witnesses,
GEO. F. STEELE.
THOMAS B. WARD.

I hereby certify that the foregoing articles of agreement were carefully read and explained to the Indians, parties hereto in open council, and were thoroughly

understood by them before signing the same, and that the agreement was executed and signed by said Indians at the De Smet Mission in Idaho, on the 7th day of February, 1894.

PAUL POLOTKAN,
Interpreter.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D.C., March 14, 1894.

SIR: I have the honor to acknowledge the receipt, by departmental reference, of a letter from the Commissioner of Indian Affairs, dated February 24, 1894, accompanied by an incomplete bill ratifying an agreement negotiated with the Coeur d'Alene Indians, dated February 7, 1894, ceding to the United States a strip of land along the north boundary of their reservation. – I am directed to complete the bill (i.e.), provide for the *survey* and *disposal* of the ceded lands.

In compliance with your directions I have added sections 3, 4, and 5, and a complete copy of the bill is herewith submitted; and your attention is respectfully directed to the following points for consideration:

The reading of the agreement provided by the Commissioner of Indian Affairs has been retained, and is incorporated in the bill. The last clause of article 1 of the agreement (p. 2) reads "thence north on the east boundary line"; the east boundary (see attached diagram) does not run *north*, its bearing is N. 33° 23' E.; consequently the description would agree more closely with the facts if the words "north on" could be replaced by "along," thus

making the above-quoted phrase read, "thence along the east boundary line," etc. Probably the suggested change could be made without involving legal complications.

Referring to pages 3 and 4 of the Commissioner's letter, this office finds no precedent for providing a town site "1 mile square," when that already laid out contains, according to the official plat forwarded by the surveyor-general, only 20 acres. I can not see how, with our limited knowledge of existing conditions, a definite value can be assigned to the town site in advance of survey and appraisement thereof.

After taking into consideration the equities of the case, I have concluded to provide for the appointment of a board of appraisement, as set forth in the bill, as the best way to secure justice to bona fide residents of Harrison and other settlers, and to provide for reimbursement to the United States of the $15,000 paid for the ceded tract.

In the bill the amount of appropriation for survey and appraisement is left blank. The *survey* alone will cost $745; the appraisement, $150, allowing five days for the work after the board assembles on the ground; total, $895, which will be increased by traveling expenses of members of the board. As the latter item will depend in part on the distance from the reservation to the members' homes, I am unable to state the total amount of the appropriation required; but the item "traveling expenses" may be readily approximated and added to the above if, in advance of the ratification of the agreement, you can decide from what section of the country the members of the proposed board of appraisement will be appointed.

The papers referring to the case are herewith returned.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

A bill to ratify and confirm an agreement with the Indians occupying the Coeur d'Alene Reservation, Idaho, and make provisions for carrying the same into effect.

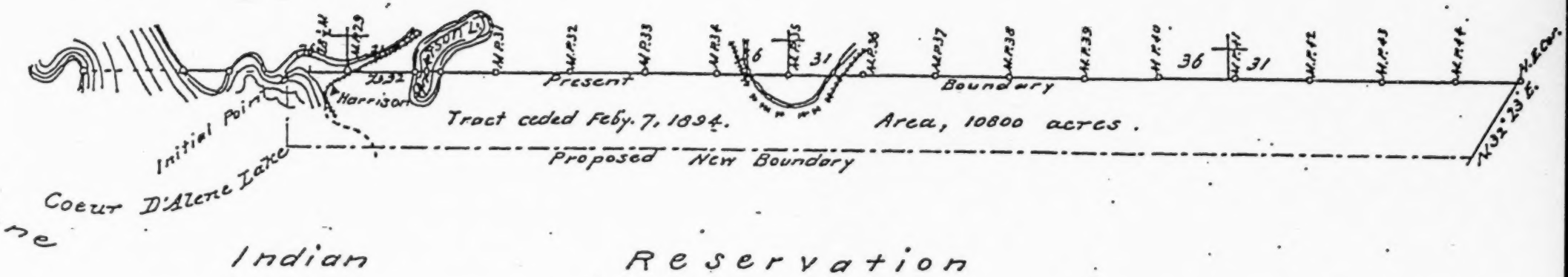
Whereas, John Lane, special United States Indian agent, duly designated by the Secretary of the Interior to *negotiate* with the Coeur d'Alene Indians for a change in the northern boundary line of their reservation so as to exclude therefrom a strip of land on which the town of Harrison and numerous settlers are located under and by virtue of a clause contained in the Indian appropriation act, approved March 3, 1803, did, on the seventh day of February, anno Domini, one thousand eight hundred and ninety-four, conclude an agreement with the various tribes or bands of Indians residing upon the Coeur d'Alene Reservation in the State of Idaho, by their chiefs, headmen, and principal men, embracing a majority of all the male adult Indians occupying said reservation, which agreement is as follows:

Agreement concluded on the 7th day of February, 1894, by John Lane, United States Special Indian agent, on the part of the United States, and the Indians of the Coeur d'Alene Reservation in the State of Idaho.

ARTICLE I

This agreement made on the 7th day of February, 1894, by John Lane, United States special Indian agent, on the part of the United States, and the Coeur d'Alene Indians, residing on the Coeur d'Alene Reservation in the State of Idaho, by their chiefs, headmen, and principal men, embracing a majority of all the male adult

* * *



Coeur D'Alene Indian Reservation

H Ex 158 53 2

EXHIBIT 838

United States Patent,
United States of America,
To
Frederick Post,

State of Idaho)
) ss.
County of Kootenai)

Filed for record at the request of Frederick Post, on the 22th day of September 1894, at 9^{35} o'clock A.M. and recorded in Book L. of Deeds on page 623.

Robt. S. Bragaw
County Recorder

Fee 3^{00}

The United States of America. To all to whoom [sic] these presents shall come, Greeting.

Whereas, it appears by an act of Congress approved March three, A.D. one thousand eight hundred and ninety one entitled An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations, with various Indian Tribes, for the year ending June thirtieth, eighteen hundred and ninety two, and for other purposes, that an agreement was made between certain commissioners on the part of the United States and Coeur d'Alene tribe of Indians residing on the Coeur d'Alene Reservation in the then Territory of Idaho; And Whereas, by a proviso to section twenty two, of article four of said agreement. (Statutes at large, Vol. 26 page 1031) provisions is made by the acts aforesaid, for the patenting of a certain tract of

land to Frederick Post, in the terms following, to-wit: That the secretary of the Interior shall cause to be surveyed for and patented to Frederick Post, upon his making final proof of all thereof before the register and receiver of the proper United States land office, and to the satisfaction of the Commissioners of the General Land Office and Secretary of the Interior, and paying therefor two dollars and fifty cents per acre and the cost of making such survey of such portions of said reservation as is recited in the agreement in words and figures as follows, to wit: Know all men by these presents that I Andrew Seltice, Chief of the Coeur d'Alene Indians, did on the first day of June, A.D. eighteen hundred and seventy one, with the consent of my people, when the Country on both sides of the Spokane River belonged to me and my people, for a valuable consideration sell to Frederick Post, the place now known as Post Falls, in Kootenai County, Idaho, to improve and use the same (water power) said sale included all three of the River Channels and Islands with enough land on the north and south shores for water power and improvements; and have always protected the said Frederick Post for Eighteen years, in the rights then and there conveyed and he has always done right with me and my people: We the Chiefs of the Coeur d'Alene have signed articles of agreement with the Government to sell the portion of the Reservation joining Post Falls, in which we have excepted the above prescribed rights before conveyed to Frederick Post and no Indian and no White Man except Frederick Post has any rights on the above described lands and River Channels; the said Frederick Post has fulfilled all of his agreements with me

and my people by improving the Water Power and building Mills at great expense and I hereby authorize him to build a house and take full possession of the above described lands on the Reservation side so that when the treaty is confirmed he may have full possession and protection of the Government in the same. Given under my hand and seal this 16th day of Sept. A.D. 1889.

his
"Andrew X Seltice"
mark.

And Whereas; there has been filed in the General Lands Office of the United States, a plat of Survey of the confirmed Claim of Frederick Post duly executed and approved as appears by the certificate dated September five, Eighteen hundred and ninety three, over the signature of Joseph Straughan, U.S. Surveyor General for the State of Idaho which map of survey and certificate an hereunto attached and made a part of these presents.

And Whereas, it further appears by the files and records of the General Land Office, that the lands embraced in said survey amounting to two hundred and ninety eight acres and nine hundred and ninety four thousandths of an acre have been paid for and that the United States has been reimbursed the costs of surveying said claims as proscribed in the Act aforesaid and as above set forth; which said purchase money and costs of survey amounting to the sum of eight hundred and forty seven dollars and ninety eight cents have been covered into the Treasury of the United States.

Know Ye, That the United States of America in consideration of the promises and pursuant to the provisions of the Act of Congress aforsaid, Has given and Granted and by these presents [illegible] give, and grant the said Frederick Post his heirs and assigns the lands embraced and described in the foregoing survey.

To Have and To Hold the said tract or parcel of land with the appurtenances thereunto appertaining unto the said Frederick Post, his heirs and assigns forever. In Testimony whereof I Grover Cleveland, President of the United States of America have caused these letters to be made Patent and the seal of the General Land Office to be hereunto affixed.

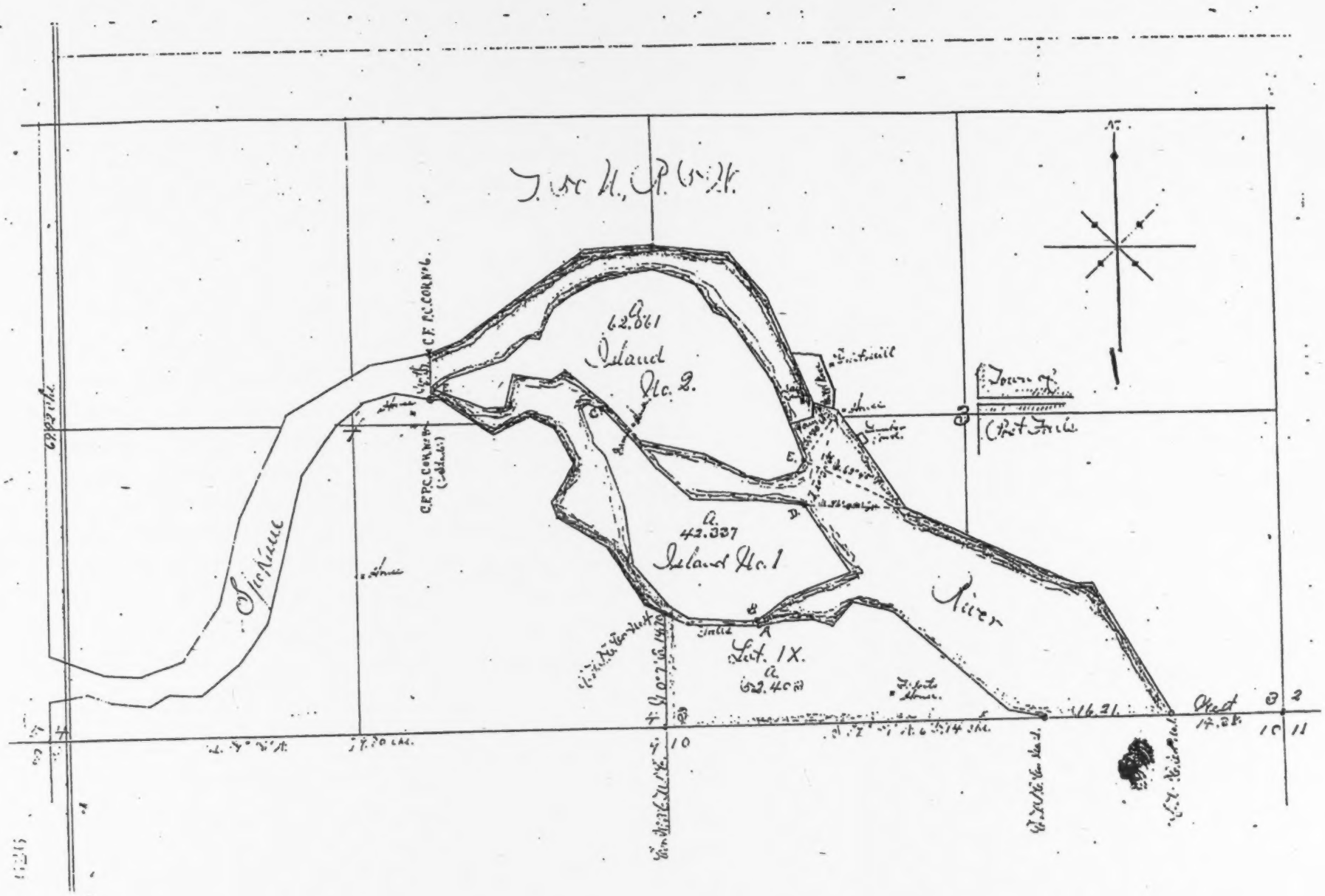
Given under my name at the City of Washington the fifth day of September in the year of One Thousand Eight hundred and ninety four, and of the Independence of the United States the one hundred and nineteenth.

By the President Grover Cleveland

[seal]

By E. Macfarland, Asst Secretary
L.D.C. Lamar
Recorder of the General Land Office

Recorded in Vol. 20 p. 433-436.


T. & H. G.P.O.N.
62.681
Island No. 2.
42.337
Island No. 1
Lot. IX.
62.408
C.P.R. Co's No. 6.
C.P.R. Co's No. 5.
(Cable)
Spa Creek
River
Road
Town of
(Ref. Fwd)
N.
116.31
17.28
10
11
2
3
4
5
6
7
8
9

Reserved for map

Plat of the
Confirmed Claim of Frederick Post in
T. 50 N., R. 5 W., Boise Idaho
Scale: 10 Chains = 1 inch
Surveyed November 10-12th 1891, and
July 1st 1893
By W. Clayton Miller U.S. Dep. Serv.

Area of Land surface 156.801 Acres
" " Water " 141.593
Total Area of Claim 298.394 Acres

The above Plat of the "Confirmed Claim of Frederick Post" Township No. 50 North, Range No. 5 West of the Boise Meridian as surveyed by W. Clayton Miller, U.S. Deputy Surveyor under separate special instructions, included in his Contract No. 1889 dated June 19th 1891, and in pursuance of directions contained in letter, [illegible] of the Commissioner of the General Land Office dated May 29th 1893, is strictly conformable to the field notes of the Survey thereof, on file in this office which has been examined and approved.

Joseph C. Straughan
U.S. Surveys County of Idaho

U.S. Surveyor General Office
(Boise City, Idaho, September 6th 1893.

EXHIBIT 1439

A History of the Coeur d'Alene Tribe's Claim to Lake Coeur D'Alene

by

E. Richard Hart
Institute of the NorthAmerican West

[EXCERPTS]

Expert Testimony Submitted to the
United States Department of Justice
United States v. Idaho
July 15, 1996

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[Omitted]

Volume II:
United States Conveyance of Lakes and Rivers to the Coeur d'Alene Tribe and Subsequent Tribal Cessions,

1873-1911 -

[EXCERPTS]

VII The 1873 Agreement and Executive Order, 1873-1876

Great changes were taking place in federal Indian administration in the early 1870s. Not only was Congress determined to establish a new direction in the area of policy, the organization of the Indian Bureau was being revised. With the completion of the transcontinental railroad in 1869, settlement of what had been remote portions of the West now seemed imminent, and Congress determined that it was time to bring an end to treaty-making. The Indian Appropriations Act of March 3, 1871 contained a provision stating that "hereafter no Indian nation or tribe within the territory of the United States may contract by treaty." It was still possible to make agreements with tribes, subject to approval by the Senate

and House, but Commissioner Edward P. Smith said even agreements should be ended:[184]

> We have in theory over sixty-five independent nations within our borders, with whom we have entered into treaty relations as being sovereign peoples; and at the same time the white agent is sent to control and supervise these foreign powers, and care for them as wards of the Government. This double condition of sovereignty and wardship involves increasing difficulties and absurdities, as the traditional chieftain, losing his hold upon his tribe, ceases to be distinguished for anything except for the lion's share of goods and moneys which the Government endeavors to send, through him to his nominal subjects, and as the necessities of the Indians, pressed on every side by civilization, require more help and greater discrimination in the manner of distributing the tribal funds. So far, and as rapidly as possible, all recognition of Indians in any other relation than strictly as subjects of the Government should cease.

The federal government also limited state influence on Indian matters, and solidified its central authority. In 1870 the Idaho Superintendency was abolished and agents were told to report directly to Washington, D. C. The same was done for the Washington Superintendency in 1874. In the early 1870s it was not always clear which superintendency or agency had responsibility over the

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[184] Tyler, S. Lyman. *A History of Indian Policy.* Washington, D. C.: United States Department of the Interior, 1973, pp. 84-85 and 91. [182]

Josephy, Alvin M., Jr. *The Indian Heritage of America.* New York: Alfred A. Knopf, 1974, p. 339. [96]

Coeur d'Alenes.[185] Agents for the Nez Perce were sometimes called upon to deal with Coeur d'Alene, as were agents from the newly established special agency at Colville.

In 1872 pressures mounted to either force the Coeur d'Alenes to move onto the already set aside 1867 reservation, or to negotiate in good faith with the United States, not only to establish a new, acceptable reservation, but to arrange a cession of the tribe's aboriginal holdings. The Commissioner of Indian Affairs reported that the Coeur d'Alene had refused to locate on the lands set aside in the 1867 Executive Order, and thus "continued to roam over the tract of country claimed by them."[186] The remote tribe was relatively small in numbers, perhaps totalling 500, had little experience dealing with outsiders, and was confronted with what must have been a daunting political state of affairs. Nevertheless, Coeur d'Alene tribal leaders also responded to the pressure. Having finally become aware of the inadequate reservation that had been set aside for them, the Chiefs of the tribe petitioned the Commissioner of Indian Affairs in 1872 to create a new reservation, one that included their important waterways. Their first petition, which apparently has not survived, was submitted in October, 1872, probably to the

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[185] Hill, Edward E. *Guide to Records in the National Archives of the United States Relating to American Indians.* Washington, D. C.: National Archives and Records Service, General Services Administration, 1981, pp. 135 and 146. [85]

[186] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Nez Perce Agent, John A. Simms. One month later nine Coeur d'Alene leaders, headed by Andrew Seltice, sent a petition to the Commissioner of Indian Affairs, requesting additional lands.[187]

The Chiefs of Coeur d'Alene said that they wanted an adequate portion of land set aside for them. They said they had assumed that any reservation for the Coeur d'Alene would, as "a matter of course," include the mission and valleys of the St. Joe and Coeur d'Alene Rivers, but were now worried that they did not have these valleys. They said they had buried their parents, children, relations and friends at the mission, "and never for a moment could we have harbored the thought of abandoning it."

> As to the two valleys, we did not think to ask for them, though they have been from old the habitual residence of most of us; because being every spring under water, we thought no white man could ever settle there in fact there is none as yet; the few spots which usually escape being inundated, we have there farmed in and cultivated.

They went on to say, in their petition to the Commissioner, that the greatest part of the lands they requested was not suitable for farming, and that they could not yet sustain themselves on farming alone, and "for a while yet we must have some hunting and fishing." The Chiefs recalled the treaty signed between the tribe and Colonel

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[187] Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [300]

Wright, and said they still retained their copy. They reminded the United States that the tribe had promised to allow roads to be built through their territory, but that in return the United States had promised, "that the land should remain ours." The Chiefs pointed out that the tribe had kept their promises, had not molested either road builders or neighboring white settlers, and if the United States cared to test their assertion, "we confidently appeal to the testimony of the settlers on Pine Creek; let them say whether they found us good neighbors or not." They concluded by asking that Mr. Simms, Agent to the Nez Perce, "or another whom you might appoint would come and visit the land, see what we ask for, and what we have done already. Uncertainty tends to paralyze our people; when certain of a home they will work with new energy." Education was already an important issue for the Coeur d'Alenes (as it was important to the then current policy-makers in Washington), and they asked to have Catholic schools, with support from Washington.

> Therefore we hope you will grant us this bit of land, and we will feel thankful for it. We know you do help other Indians with tools, clothing and food; this is only one thing we might need. We want Brothers and Sisters to educate our children, perhaps we won't yet be able to maintain them, but about this we intended to write on another time, for all the balance we choose rather to depend on our own hands.

The petition was signed by nine Coeur d'Alene Chiefs and witnessed by three Catholic priests, including Joset and Cataldo.[188]

Agent Simms, who was suffering from ill health, contacted the Superintendent of the Washington Superintendency, providing him with information about the Coeur d'Alenes' desires for a treaty and reservation. General R. H. Milroy, the Superintendent, closely mirroring the beliefs of Commissioner Smith, strictly ordered Simms to abide by the language of the recent Appropriation Act. Milroy gave instructions for Simms in dealing with all of the tribes under his agency, including Coeur d'Alene. He said he had:[189]

> . . . no hope that the Govt. will grant any authority to make a treaty with your Indians, as the policy of the Govt. is decidedly against making any more treaties with Indians. I feel pretty sure that the last treaty by the United States with any Indian tribes within her limits has been made.

The superintendent said it was Simms' duty to make sure the Indians understand that they could only remain on their aboriginal lands subject to the terms he had already offered (that is solely as citizens of the United States, like other citizens). He compared small individual allotments,

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[188] Chiefs of the Coeur d'Alene Nation to [Commissioner of Indian Affairs], November 18, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [300]

[189] Superintendent of the Washington Superintendency, R.H. Milroy to John A. Simms, December 14, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, emphasis in original. [301]

or homesteads, to small individual reservations. The government, he said, "offers to Every Indian a *reservation* in his individual right on the same terms that he offers & gives to all his white children who desire to accept them." Tribes with no treaties, such as the Coeur d'Alene have nothing to lose, he added, by "thus accepting individual reservations or claims except the empty & worthless right" of being regarded as a tribe rather than as "individual American citizens." Milroy said that,

> By renouncing this useless right they will not be required to separate . . . themselves away from each other. They can select lands in adjoining tracts and thus cover & hold all of their old homes and country that they desire.

He said that without a treaty, "*morally* and *socially* they can remain as Indian tribes but not *legally*." He concluded that, "they have everything to gain and nothing to lose by renouncing that worthless legal right," meaning that if they would renounce their tribal affiliation they could make homestead entries and be like all other American citizens.

> As it is the policy of the Govt. to encourage the Indians to become settled like white citizens and draw their subsistence from the soil as much as possible and to cease their dependence on wild game and fish . . .

Milroy also wrote to the Commissioner, enclosing copies of reports of Special Agent Simms, and reporting

on Indians in that jurisdiction commenting on the work of the Catholic Missions.[190]

> I am informed that the Catholic Fathers having one or more comfortable missions among the Catholic Indians East of the Columbia where they are surrounded by their converts are opposed to having them move on to the [Colville] reservation and have influenced Mr. Simms to their views and hence his request to have reservation boundaries changed.

He attached speeches of Indian Chiefs from Council held November 6, 1872, by Agent Simms. Spokane Garry spoke. The Coeur d'Alenes expressed their belief that they remained sovereign, and that absent any treaty, they still owned their aboriginal territory. Quin-a-mous-a, a Coeur d'Alene said:

> I am going to talk to you and the President. I am going [to] tell you about my lodge, all of the people the men, the women and the children and the children that are not yet born. This is what I am attending to and I want you to attend to them likewise. I want you to do right. What you are going to do. I want to live like the white man. We our people do not want the President to make laws for us. We have our own laws, they are good enough for us and we want to live by them. When my children talks to you about the reserve, I want you to listen to them what they ask.

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[190] Supt. of Indian Affairs, Washington Territory, to Commissioner of Indian Affairs, December 15, 1872, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [302]

Seltice of the Coeur d'Alene said:

> I did not intend saying anything to do, but I have heard something that now makes me speak. "Garry" [Spokane] says that he will not go over to the Okanagan. I am of the same mind. We have not sold our country and shall not leave it.

As more non-Indians moved closer and closer to the Coeur d'Alenes, pressures increased on territorial and federal officials to establish the tribe on a reservation. In 1873 officials were pressured to have the 1867 reservation surveyed so that the tribe could be removed there and the lands they were occupying could be opened to white use.[191] As a result, funds were allocated to survey the 1867 Coeur d'Alene Reservation. The Surveyor General recommended using any excess funds to subdivide the Coeur d'Alene Reservation. He said there was a great deal of excitement among the Indians as a result of the Modoc hostilities. Subdividing the Coeur d'Alene Reservation, he said, would help quiet their excitement.[192] Early in May, D. P. Thompson was appointed to carry out the survey. Thompson reported to the Surveyor General that he had spoken with Father Cataldo, whom he said he knew represented the views of the tribe. He said that the old mission site was on the St. Joe River, but the mission

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[191] Wheaton [?] to Hon. H. W. Corbett, January 23, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [303]

[192] Surveyor General of Idaho to Commissioner of General Land Office, April 29, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [304]

was now situated on the Coeur d'Alene River. He went on to report that the 1867 reservation was inadequate.[193]

> The section of country to be included is almost worthless as an agricultural country but will include the fisheries on the lake and the St. Joseph's River. To run to the old mission would not include the fisheries on either the lake or river. I think the matter should be arranged before the Reservation line is run. Should the fishing be excluded there will in my opinion be trouble with these Indians but should they be included and also the mission which should also be in the Reserve there will be no trouble.

He included a sketch (see Map 8) of what he (after talking with Cataldo) thought the reserve should include, although he had never been to the lake or the mission. He said no settlers were in the area that he proposed. Since the boundary line had not yet been run, there was time to arrange it, he said. His diagram was entitled, "diagram of Coeur d'Alene Reservation as the Indians wish it," and shows a line running from the mission to a point on Latah Creek 15 miles from the Idaho border, then west to the border, then north along the Idaho/Washington border until opposite the mission, and to the point of beginning, thus, with correctly drawn lines, taking in the southern two-thirds of the lake, all of Coeur d'Alene River from the Mission to the lake and a portion of the St. Joe

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[193] D. P. Thompson to Surveyor General, May 6, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [305]

River.[194] The Acting Commissioner of the General Land Office forwarded his letter to the Commissioner of Indian Affairs on May 31, 1873.[195]

In the meantime, the priests at Sacred Heart Mission had worked hard to exert influence in Washington. Without their efforts it is unlikely that a new agreement and reservation would have been established. The priests contacted the Catholic officials in Washington, D. C., and on June 5, Charles Ewing, Catholic Commissioner of Indian Missions, wrote to the Secretary of the Interior. Ewing's letter was strong, direct, and proved to be very influential. He said he had reliable reports that the Indians in the north of Washington Territory were converted to Catholicism, except the Spokanes.[196]

> The Coeur d'Alenes want to have a reservation set apart large enough for themselves & their Indian friends who wish to settle among them. They want to have it secured to them before the

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[194] D. P. Thompson to Surveyor General, May 6, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [305]

[195] Acting Commissioner of the General Land Office to Commissioner of Indian Affairs E. P. Smith, May 31, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [306]

[196] Catholic Commissioner of Indian Missions Charles Ewing to Secretary of the Interior, June 5, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, provides quotation, with emphasis in original. [307]

Schoenberg, Wilfred P. A *History of the Catholic Church in the Pacific Northwest, 1743-1983.* Washington, D. C.: The Pastoral Press, 1987, p. 247. [158]

whites have possessed themselves of the choice portions of it. They have several times petitioned the Indian Bureau to that effect, & have designated the boundaries they desire. A reservation was set apart for them June 14, 1867, but has not been surveyed; & the Indians did not know that their reservation had been designated until some two years ago: they at once said it is not large enough.

The opinion of the Indians having been represented to the Department, it was ordered that the survey be postponed until the Indians could have an opportunity to make their wishes & reasons known in regard to it through the commissioner to be appointed by the Government. When they have the guarantee that their reservation, as they want it, is secured to them, they are disposed to relinquish all their lands without any charge, except that they will want schools and a saw and grist mills.

But the Indians say that this their settlement must be a permanent one, & for this reason they want to see a high officer, *direct* from their Great Father; the highest authority the Government can send; a man whose report will be respected at Washington, so that what he says will be law, permanent law, unchangeable law. He must be also a man whose honesty of purpose, personal integrity, friendship & devotedness to the Indians they can be sure of; so that they may have a *big talk* with him, fully speak their hearts to him, confident that whatever they say will be taken in good part & will be used for their greater good.

They want, they say, a big talk; they want to unburden their hearts from a heavy load of

> grievances, real or imaginary, which have been accumulating for many years. When this load is off their hearts, they have the positive assurance from the highest representative of the Government that they will never be disturbed on their reservation they will be the happiest and most devoted wards or citizens of this Republic.

Ewing went on to say much the same about the Spokane and the Colvilles. The Spokanes refused to go to the Colville Reservation, he reported, but "the larger portion of the them may be induced to go on the Coeur d'Alene Reservation." He added that the Coeur d'Alenes said they do not want to negotiate with Nez Perce Agent Monteith, because he was not a high enough official, nor was he their friend. Someone should be sent, Ewing implied, who was not opposed to the Catholic religion.

On June 30, the Secretary of the Interior told the Commissioner of Indian Affairs that an Inspector should be sent to Coeur d'Alene.[197] The following day the Commissioner took action, authorizing a commission to travel to Coeur d'Alene and meet with the tribe. A commission had earlier been appointed to deal with the Bannock Indians at Fort Hall. The Commission was comprised of J. P. C. Shanks, Governor T. W. Bennett of Idaho, and Special Agent Henry W. Reed. The Commissioner of Indian Affairs contacted Shanks and authorized his commission to "visit the Coeur d'Alene Indians, to hear complaints, with a view to their cure or removal, and to induce them

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[197] Acting Secretary of the Interior to Commissioner of Indian Affairs, June 30, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [308]

to abandon a roving life and consent to confine themselves to a reservation."[198] Bennett indicated in correspondence to the Commissioner that he thought the Coeur d'Alenes, who were having difficulties with the whites, should be removed to an already existing reservation and that troops should be used in the territory, if necessary, to see that Indians did not travel outside their reserves.[199]

Despite Ewing's admonition that Agent Monteith should not be involved in any negotiations, the party that met with the Coeur d'Alenes on July 29 on Latah or Hangman's Creek, included Monteith, along with Commissioners Shanks and Bennett. Ironically, it seems to have been Monteith, who was largely responsible for the agreement signed with the tribe. On August 1, Shanks wrote to the Secretary of the Interior, enclosing a copy of the agreement. In his cover letter he complained about

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[198] Smith to Shanks, July 1, 1873, Letters Sent by the Commissioner of Indian Affairs, RG 75, Microfilm, M21, Roll 112, RG 75, National Archives. [309]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Bennett to Secretary of the Interior, April 10, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives, had indicated he supported the idea of a commission, but did not want to be on it. [310]

[199] Bennett to Commissioner, May 21, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [311]

Bennett to Commissioner, June 4, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [312]

Ewing's letter to the Secretary, a copy of which he said had been circulating. He said the Indians were now expecting to receive favorable treatment as Catholics, which he evidently opposed, saying "the letter purporting to be from Charles Ewing does not do him & his people full justice." He asked the Secretary to suspend the survey of the reservation pending the commission's final report.[200] Five days later, the Commissioners also sent a telegram asking for the suspension of the survey, and suggesting their agreement would require a change in the reservation boundaries.[201] The General Land Office complied with these requests and suspended the survey of the 1867 Executive Order Reservation.[202]

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[200] Shanks to Sec. of the Interior, enclosing agreement with Coeur d'Alene, August 1, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [313]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385 and 392. [234]

Ewing to Secretary of the Interior, June 5, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, also suggested the ongoing survey was counter-productive. [307]

[201] Shanks, Bennett and Monteith, Telegram, August 6, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [314]

[202] United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office to the Secretary of the Interior for the Year 1873," 1873. Washington, D. C.: Government Printing Office, pp. 141 and 144. [270]

The agreement that had been reached called for setting aside a reservation "for the exclusive use of the Coeur d'Alene Indians" that would enclose all of Lake Coeur d'Alene, the Catholic Mission and all of the Coeur d'Alene River from the mission to the lake, and a stretch of the St. Joe River from near the location of the first mission to where it entered the lake, along with "all and singular the lands and privileges lying" within the proposed boundaries. Under the proposed terms, the United States reserved the right to construct roads through the reserve, but promised "that the waters running into said Reservation shall not be turned from their natural channel where they enter said Reservation." The Tribe, in turn, agreed to relinquish all claims to the remainder of their aboriginal territory, provided that the United States would pay for any improvements Coeur d'Alenes might have in lands outside the boundaries of the proposed reservation. In return for the cession of their aboriginal territory, which was described in the agreement, the United States agreed to provide agricultural implements, two mills, a schoolhouse, and one hundred seventy thousand dollars at five percent interest, to be used to pay for a blacksmith, millers and other things that the President might deem proper to advance the civilization of the Indians. The agreement required approval by Congress to be binding (see Appendix III). It was signed by Shanks, Bennett, and Monteith on the part of the United States; Andrew, Vincent and six others on the part of the Coeur d'Alene; was witnessed by P. B. Whitman (who was also

listed as an interpreter) and Father Cataldo; and was interpreted by Whitman and a Nez Perce called Moons.[203]

This was a highly advantageous agreement to the Coeur d'Alene. They would receive a reservation larger than the one for which they had previously petitioned, one which specifically mentioned the rivers and lakes with which they were concerned, whose waters were to be protected and they were to receive all "privileges" with the area found within the boundaries. The line was drawn down the center of the channel of the Spokane River (see Maps 11 and 12), indicating that in fact riverbeds and lakebeds were meant to be a part of the reservation. Both the reference prohibiting water diversions and the line in the channel of the river indicate that both parties considered the channels, riverbeds and lakebed to be a part of the reservation. Tribal requests indicate they were concerned with future economic development and were thinking about future investment and use of natural resources on their proposed reservation. The tribal concern with economic development during this period is further evidenced and corroborated by Seltice's agreement with Frederick Post two years earlier.[204] Shrewdly, Seltice and the tribe were working to

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[203] Shanks to Sec. of the Interior, enclosing agreement with Coeur d'Alene, August 1, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, National Archives. [313]

Monteith to Commissioner, August 6, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [315]

[204] United States. *The Statutes at Large of the United States of America, from December, 1889, to March 1891 . . .* , Vol. XIXVI,

protect their natural resources, both for their traditional uses, and for future economic development.

The Commissioner reported that pending the recommended ratification of that agreement, he arranged for a new Executive Order to set aside the land described in the agreement, "in order that white persons may be prohibited from settling thereon and claiming compensation for improvements from the Government." This was seen as a temporary measure, until the necessary legislation could be passed.[205] The Executive Order was signed by President U. S. Grant on November 8, 1873 (see Appendix IV and Maps 9 and 10). Coeur d'Alene River and Coeur d'Alene Lakes are mentioned as being within the boundaries of the new reservation, and the boundary line is drawn down the middle of the Spokane River channel, indicating that river and lake beds were, in fact, considered a part of the reservation.[206]

Washington, Government Printing Office, 1891, p. 1031 (26 Stat. 1031). [221]

[205] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 385, 392. [234]

[206] United States. *Executive Orders Relating to Indian Reservations, From May 14, 1855 to July 1, 1912*, Washington, D. C., Government Printing Office, 1912, p. 72. [275]

Dept. of Interior file notice, November 8, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [316]

Royce, Charles C. "Indian Land Cessions in the United States." In *Eighteenth Annual Report of the Bureau of American Ethnology*, Washington, D. C.: Government Printing Office, 1899, pp. 866-869, Plate CXXIII. [151]

Father J. B. Brouillet travelled from France to the United States in 1847, and in that year crossed the Oregon Trail to work in the western Indian missions. He has been stationed with the Nesqually Diocese, but in 1872 was transferred to Washington, D. C. Father Joset, likely knowing of this appointment, probably advised Andrew Seltice to write to him with concerns he had, believing that Brouillet would wield influence in Washington. On August 17, Seltice wrote to Father J. B. Brouillet, telling him that at the close of the recent negotiations he had been ill, and "so I could not clearly see that some of my words were not in the papers" when they were translated for the Coeur d'Alenes. Since then, he said, the papers had been carefully interpreted for him by "some white men" and he had found that two important points were left out of the agreement. First, he had asked for separate schools for the boys and girls, the boys' school to be run by the Catholic Fathers and the girls' school to be run by the Sisters. Second, he said that the tribe did not want to have an Agent. They were happy with their relationship with the priests, and saw that tribes with agents had troubles, so they did not want to have an agent assigned to them.[207] Father Brouillet responded from Washington, D. C., saying he would show Seltice's letter to the President. He said that next winter all of the tribe's papers

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[207] Andrew Seltice to Father J. B. Brouillet, translated by Father Cataldo (copy transmitted to Indian office), August 17, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [317]

Schoenberg, Wilfred P. *A History of the Catholic Church in the Pacific Northwest, 1743-1983*. Washington, D. C.: The Pastoral Press, 1987, pp. 102-104 and 244. [158]

would go before Congress and he would be there looking after the tribe's interests.[208]

The points raised by Seltice with Father Brouillet were minor compared with the overall issue, whether or not there would be a Coeur d'Alene Reservation at all. The Coeur d'Alenes were fortunate that the Catholics intervened in their behalf, for without this assistance, there is little likelihood that they would have prevailed. On the other hand, though the priests certainly attempted to wield influence, it is apparent from the tone and details of the negotiations that the Coeur d'Alenes themselves were contributing to the content of the agreement. For seven years the priests at the mission had already been discussing a move to the vicinity of today's DeSmet. Had they wished to influence the United States in placing the tribe in that location on a reservation, it would have been relatively easy for them to have done so at this time. One must conclude that the Coeur d'Alenes understood the negotiations, as best they could, and pled in their own behalf, suggesting, at least, terms they, themselves, desired.

By mid-November, 1873, it became clear just how fortunate the tribe had been. On November 17, Shanks, Bennett, and Reed, the "Special Commissioners to Investigate and Report upon Indian Affairs in the Territory of Idaho, and Territories Adjacent Thereto," submitted their own report. They recommended a reservation in northern

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[208] Father J. B. Brouillet to Andrew Seltis, Chief of the Coeur d'Alene, September 8, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. [318]

Idaho, upon which nine tribes could be settled, including the Coeur d'Alene. They explained that while in Lapwai, the agent to the Nez Perce had received instructions to negotiate with the Coeur d'Alenes. Shanks, and Bennett joined the Agent to the Nez Perce, J. B. Monteith and had met the Coeur d'Alenes on July 29, 1873 at Hangman's Creek. The Commission, however, had disagreements with the Nez Perce Agent. The commission reported that it did not approve of the proposed Coeur d'Alene Reservation because it had its own idea of removing that tribe to join nine other tribes on their proposed reservation. They now rejected the Coeur d'Alene agreement.[209]

> The commission did not desire to go beyond its authority in this matter, and only joined Mr. Monteith as there seemed to be a necessity for it at the time. But the commission, after an investigation of the whole subject, now recommends that the agreement entered into with the Coeur d'Alenes be not confirmed, but that the reservation recommended by the commission for the nine tribes, including the Coeur d'Alenes, be adopted.

The commission as a whole recommended establishing a very large reservation including all of the northeastern

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[209] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report for 1873," Washington, D. C.: Government Printing Office, pp. 527-532. [234]

Shanks, Bennett, and Reed to Commissioner of Indian Affairs, November 17, 1873, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 341, RG 75, National Archives. [319]

corner of Washington and a small strip of Idaho's northwestern corner as a home for ten tribes: the Coeur d'Alenes, Upper and Lower Spokanes, Calispells, Pend d'Oreilles, Kootenays, Lakes, Colvilles, San Poels, Methows and O'Kinakanes. This report was submitted November 17, 1873, nine days after the President had already signed the Executive Order establishing the Coeur d'Alene Reservation. The report was too late to stop the establishment of the reservation, but was responsible for the failure of Congress to ratify the agreement made with the tribe. On December 4, 1873 the Acting Commissioner of Indian Affairs submitted the 1873 agreement to Congress, recommending its ratification.[210] However, four days later, on December 8, the Secretary of the Interior withdrew his support for ratification of the agreement:[211]

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[210] Clum to Secretary of the Interior, December 4, 1873, Records of the Bureau of Indian Affairs, Letters Received, 1874, Idaho, I 46, National Archives. [662]

[211] Secretary of the Interior to Commissioner of Indian Affairs, January 14, 1874, Records of the Bureau of Indian Affairs, Letters Received, 1874, Idaho, I 46, National Archives. [663]

Acting Commissioner to Secretary of the Interior, December 4, 1873, Letters Received, Idaho Superintendency, Microfilm, M. 234, Roll 342, RG 75, National Archives. [320]

Dozier, Jack. "History of the Coeur D'Alene Indians to 1900." M.A. Thesis, University of Idaho, 1962, pp. 89-91. [64]

Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 3, who thought that the Coeur d'Alenes would have received more than "they had dared hope for," had the agreement been ratified. [63]

> Upon consultation with Hon J. P. C. Shanks, and in accordance with his suggestions, the letter to the Speaker of the House of Representatives, enclosing said Agreement was recalled and cancelled by the Department . . .

A contract was let to survey the new Executive Order Reservation. The agreement, however, was effectively dead with the Secretary of the Interior opposing it.[212] Despite the Secretary's opposition, and that of Shanks, *et. al.*, the Commissioner of Indian Affairs seemed to continue his support for ratification in his report for 1874, but by 1875 the agreement was all but forgotten.[213] In the

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[212] Surveyor General of Idaho to Commissioner of General Land Office, April 29, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. These funds were to survey the 1867 reservation. [304]

Brown to Commissioner of Indian Affairs, December 30, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives, reporting that Thompson completed the survey of the 1867 reservation, before being told his contract had been voided. [321]

Contract, August 25, 1873, Letters Received, Washington Superintendency, Microfilm, M 234, Roll 912, RG 75, National Archives. This contract was to survey the 1873 Executive Order Reservation. [322]

[213] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1874. Washington, D. C.: Government Printing Office, p. 367-368. [235]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1875. Washington, D. C.: Government Printing Office, p. 562, in which the Commissioner suggested removing the Coeur d'Alene to the Colville Reservation, apparently forgetting that they now had their own reservation. [236]

meantime, the proposal for the ten tribe reservation was submitted to Congress, with a provision to supersede the already existing Coeur d'Alene Reservation, and with a provision protecting tribal fishing rights in the rivers within the reservation, but the proposal had no support in Congress and was soon postponed indefinitely.[214] Reports in 1874 and 1875 indicated that the Coeur d'Alene continued to engage in traditional subsistence activities in their territory, through which there was now planned a line of the Northern Pacific Railroad.[215] By 1876 the Coeur d'Alenes were simply listed in Commissioner of Indian Affairs reports as "Indians in Idaho not

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[214] United States. Congress. *Congressional Record.* 43rd Congress, 1st Session. Washington, D. C.: Government Printing Office, 1874, pp. 774-775, 2089. [183]

United States. Congress. Senate. *A Bill to Create a Reservation in the Territory of Washington for the Coeur D'Alene and Other Indian Tribes.* Sen. Misc. Doc. No. 32. 43d Congress, 1st Session. Washington, D. C.: Government Printing Office, 1874. [210]

United States. Congress. House. *Proposed Indian Reservation in Idaho and Washington Territories.* Ex. Doc. No. 102. 43d Congress, 1st Session. Washington, D. C.: Government Printing Office, 1874. [198]

[215] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1875. Washington, D. C.: Government Printing Office, p. 562. [236]

John B. Monteith to Edward P. Smith (C.I.A.), July 20, 1874, Letters Received, Idaho Superintendency, Microfilm, M 234, Roll 342, RG 75, National Archives. [323]

Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest.* Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 66, noted that the tribe was aware of the new Northern Pacific line as a result of newspaper reports. [60]

under an agent."[216] The tribe was left with the priests acting as *de facto* agents on the reservation between 1873 and 1877, and during that period the priests continued to try to persuade the Coeur d'Alenes to move from the mission to a new site, away from the Mullan road, on the camas prairie to the south. The Coeur d'Alenes were outstripping the available agricultural fields, were too far from markets, and too close to encroaching whites according to the Fathers.[217]

Though the 1873 agreement was never ratified, the establishment of the 1873 reservation was a triumph for the Coeur d'Alene Tribe. More and more whites were pouring into the country, and there was terrific pressure to have the tribe removed to an already existing reservation. The intercession and assistance of the Catholics was of great help to the tribe in this instance, and helped result in the establishment, in 1873, of a 590,000 acre Executive Order Reservation that contained nearly all of their village sites, all of Lake Coeur d'Alene, a large section of the Coeur d'Alene River, a section of the St. Joe River, and their camas prairie. The relations between the tribe and the United States, the negotiations leading to the Executive Order, and the language in the agreement and Executive Order make it clear that the United States expressly intended to convey, to the tribe, title to the lake and rivers, including the lakebed and the riverbeds. The

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[216] United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Reports," 1876. Washington, D. C.: Government Printing Office, 614. [237]

[217] Clark, Ella. "The Old Mission." *Idaho Yesterdays* Vol. 15, No. 3 (Fall, 1971): p. 25. [35]

Tribe, in turn, continued to be dependent on these resources for their livelihood and survival. Even though the agreement was not ratified, because of these negotiations, the United States, in effect, recognized the extent of Coeur d'Alene territory, that it had never been ceded to the United States, and that the tribe retained all of their original rights to that land. The Indian Claims Commission later concluded that the Coeur d'Alenes "held all the waters of Spokane River from a little above Spokane Falls to the sources, including Coeur d'Alene Lake and all its tributaries."[218]

VIII The Founding of DeSmet, 1876-1881

Events in the late 1870s and early 1880s would have a permanent effect on the available natural resources in Coeur d'Alene territory, and, consequently, permanent impacts on Coeur d'Alene life-style. The Coeur d'Alene

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[218] United States. Indian Claims Commission. "Findings of Fact." Docket No. 81, *The Coeur d'Alene Tribe of Indians v. The United States of America*, 1955, National Archives, pp. 4-6 and 4-10. [276]

United States. Indian Claims Commission. "Opinion." Docket No. 81, *The Coeur d'Alene Tribe of Indians v. The United States of America*, 1955, pp. 4-15 and 4-28. [277]

United States, Indian Claims Commission. "Commission Findings." In *Interior Salish and the Eastern Washington Indians I: the Coeur D'Alenes*. New York: Garland Publishing, Inc., 1974, pp. 304, 308, 313, 326 and 328. [648]

Bischoff, William N. "The Coeur D'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I*. New York: Garland Publishing Inc., 1974, pp. 302, 308, 313, 326. [16]

lived in one of the most remote areas of the United States, and as a result were well insulated until this relatively late date from pressures

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X Steamboats Regulated on Lake Coeur d'Alene and a Commission is Established, 1885-1886

The country was becoming clogged with miners gripped with and motivated by an insatiable greed, clamoring for wealth, and imbued with incredible energy and durability. The discovery period in the Coeur d'Alene Mining District ran from 1882-1885, and led to the founding of Kellogg, Wallace, Gem, Mace, Milo, Burke and other mining towns and camps. Miners spread out everywhere. Many of these settlers encroached on Coeur d'Alene lands, cutting timber, staking mining claims and even trying to settle on the reservation. The Jesuits recognized the danger to Coeur d'Alene lands. Whites were urging that the reservation be opened and that the Coeur d'Alenes be removed. In response, the Jesuits hired John Mullan to press the Coeur d'Alenes' cause in Washington. Mullan's name had become well-known nationally for his extensive travel and exploration in the early 1850s while in the Topographical Engineers, for his books on the Mullan Road (which he constructed later in the 1850s and 1860s), and, ironically, for his role leading Nez Perce volunteers against the Coeur d'Alene during the Wright campaign. However, he had grown to know the Coeur d'Alene, he and tribal leaders now shared mutual respect, and now he was anxious to assist them in protecting their

rights. In addition, the contract was a good one for the Washington law firm that he had opened in 1878.[302]

Mullan feared that the reservation might not survive, and gave the Jesuits the following suggestions:[303]

> 1st, We must secure to the Coeur d'Alenes their reservation in perpetuity.
>
> 2nd, We must secure to the Coeur d'Alenes pay from the U. S. for the lands of the Indians taken by the U. S.
>
> 3rd, We must secure to the Coeur d'Alenes mechanics and workshops as we have secured for the Flatheads by an annual allowance. Besides, we cannot do so directly.
>
> 4. We must concentrate all the scattered Indians within the present Coeur d'Alene Reservation, first to save them, second to have that reservation to the Indians for all times. Now the practical question is to know how best these things can be done?

Mullan suggested getting Seltice to hold a Council and appoint a delegation to visit Washington with these requests. The Tribe should give advance approval for any arrangements that Seltice might make in Washington, and

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[302] Thrapp, Dan L. *Encyclopedia of Frontier Biography*, Vol. II. Glendale, California: The Arthur H. Clark Company, 1988, p. 1032. [178]

[303] Harms, Su, ed. *The Coeur D'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer, Idaho: Serento Press, p. 237. [79]

Peltier, Jerome. *A Brief History of the Coeur D'Alene Indians, 1806-1909*. Fairfield, Washington: Ye Galleon Press, 1981, p. 53. [132]

it would help if the Spokanes went with them. After the United States agreed to pay them, he said they should put up a woolen mill on the Coeur d'Alenes' Reservation, the blankets from which, Mullan thought, could be sold to all other reservations in the U.S. Mullan promised to arrange the trip.

Mullan's advice and influence in Washington would be helpful, if not instrumental, during the next three years of negotiations with the United States. Historian Jack Dozier concluded:[304]

> Using whatever influence he possessed, he aided the Coeur d'Alenes' cause whenever possible during the decade of 1880-1890. He wrote several letters to officials in Washington in which he recounted the reasons why a treaty had never been established, told of the seizure of Coeur d'Alene [aboriginal] lands without payment, spoke of their exemplary character and requested that protection of their tribal domain be afforded.

On March 23, 1885, Seltice and the Coeur d'Alenes submitted a petition through Resident Farmer O'Neill, their long-time friend and ally. O'Neill submitted the petition to Agent Waters with a strong letter of support, saying he had known the tribe since 1861.[305]

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[304] Dozier, Jack. "History of the Coeur D'Alene Indians to 1900." M.A. Thesis, University of Idaho, 1962, p. 93. [64]

Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

[305] O'Neill to Waters, March 20, 1885, and enclosure, Letters Received, Record Group 75, National Archives. Emphasis in original. [401]

In 1866 when Agent for the Nez Perces at Lapwai, I was directed by Gov. Ballard, Ex Officio Supt. of Indian Affairs for Idaho to proceed to the country of these people and learn whether they desired removing to the Flathead reservation, or if not to [settle?] in their own country a suitable place for their reservation, upon that visit I saw that they were working *then* when it was considered by an Indian a disgrace to work, and when it was almost impossible to procure the necessary implements to work with, but in their fences and in what little farming could be done where they were then located they showed thrift and progress totally unexpected in that day.

In 1875, "Nicodemus" one of the tribe first commenced farming upon the present reserve, in the spring of 1876 two or three more opened small farms, in 1877 & 1878 they all commenced making small farms in different localities upon the reserve from "Stellam" village of [farms?] upon the Spokan near Cowley's bridge running south to the present mission nearly 40 miles, embracing with that distance some six or seven villages, the largest being near the present mission the De Smet at the head of the Latah or Hangman Creek, nearly two hundred farms have been opened for the first two or three years they struggled along as best they could being poor and unable to purchase necessary farming implements, the only help they had was through the Fathers connected with the mission in furnishing plows & other tools, and advice. At the present time their farms, fences, houses, &c show the effect of the good teaching they have received, *all* of the males are good farmers, many of them, the older ones, having two or

> three hundred acres of land under a good substructural [?] rail fence and under construction, the younger men of the tribe, [?] as good workers and nearly as willing, but receiving no aid from the Govt except in their schools have not the means to go where as they would wish, with the exception of one or two trappers, old men, *all* are farmers. You see no long hair worn by them, no blankets, no moccasins, *all*, men and women wearing the dress of whites, by their own labor and exertions so far with, as before stated the school.

He said they now had 150 wagons, 160 plows, were cutting timber, and were "deeply interested" in education. He earnestly asked for the Agent to comply with their requests.

The Coeur d'Alenes' petition [see Appendix V] was addressed to the President of the United States, the Secretary of the Interior and the Commissioner of Indian Affairs.

> Your Petitioners the Coeur d'Alene Indian Tribe . . . desire to hereby make known to you the fact that their rights as Indians have, up to this date, been very largely neglected by the proper authorities of the United States; by reason of which a large and valuable portion of their country has been taken possession of and is now used, cultivated and occupied by the whites, and without any compensation or indemnity ever having been given them therefor.

The Coeur d'Alenes again reminded the United States of their help during the Nez Perce War, and enclosed copies of petitions from whites at the time who supported the Coeur d'Alenes' rights to their lands. They reviewed their

boundaries, "owned by your Petitioners and by their forefathers from time immemorial," and included a description of the boundaries of their aboriginal territory. They pointed out that many of these lands had been taken by whites without any payment to them. Many valuable mining claims had been staked on those lands, they noted, including gold, silver and lead mines. Much timber was being cut and floated down the Spokane River for sale. These lands also included many other valuable sections.

> It includes the Coeur d'Alene Lake and Coeur d'Alene River, upon the waters of which steamers now run. It includes the beautiful site of the Military Fort at Coeur d'Alene; besides numerous thriving towns and villages, it includes the line of the Northern Pacific Railroad from near Spokane Falls to the Pend d'Oreille Lake, and it also includes one of the valuable portions of the Land Grant to the Northern Pacific Railroad Company.

The tribe said it knew that Congress established provisions in 1854 and gave authority to negotiate treaties of cession, but that late Gov. Stevens failed to negotiate a treaty with them as a result of a war. Since that time they had tried to negotiate a treaty but failed.

> Your Petitioners desire still to maintain peace with all the whites and especially with those whites to whom their country described as aforesaid has become valuable and by whom the same is now largely occupied.

They said that they needed sawmills, and help to encourage their industry.

> In view of all these matters therefore your Petitioners now ask that you may be pleased to send them a proper Commission of good and honest men authorized and empowered to consider all these facts, and such other facts as their visit to us may disclose, and to provide for our present and future wants and to make with us a proper treaty of peace and friendship and enter into such proper business negotiations under and by which your Petitioners may be properly and fully compensated for such portion of their lands not now reserved to them; That their present reserve may be confirmed to the Missionary Fathers and Sisters, and that ample provision be made by the United States by which their compensation shall be annually made them partly in stock, tools, mills, and meckanical [sic] instruction by proper mechanics for the permanent benefit of every member, young and old, male and female of the Coeur d'Alene Tribe of Indians . . .

The petition was written by Louis Kaizewet, a boy educated at the mission school, and signed by Seltice and forty-seven Coeur d'Alenes, and witnessed by John M. Sweeney, M.D., Colville Farmer, and four other non-Indians (Connell, Purcell, Evans, Cunningham). Attached were the 1877 petitions from whites supporting the tribe.[306]

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[306] O'Neill to Waters, March 20, 1885, and enclosure, Letters Received, Record Group 75, National Archives. [401]

Dozier, Jack. "History of the Coeur D'Alene Indians to 1900." M.A. Thesis, University of Idaho, 1962, p. 94. [64]

Agent Waters, in turn, submitted the petition and the letter from O'Neil to the Commissioner.[307]

> The Indians of this Tribe now numbering over 500 were once accounted the most cruel Indians of the North West, but under the backing of the Jesuit Fathers have fast approached a civilized state.

He said they should receive some aid in this matter and reviewed their history and lack of a treaty.

> Their reservation set aside by Executive Order is looked upon with longing eyes by the whites who are fast settling up the country owned by these Indians for they have never been recompensed for a foot of it. Even the men whose property and stock the Indians took care of so faithfully during the Nez Perces war of 1877-8 are ready to step in and possess themselves of their reservation. The Indians are continually hearing of petitions being circulated praying Congress to open to settlement this reservation, but before this is done these scattering tribes who are wandering here and there without homes . . . should be provided with homes on this reservation . . .
>
> I cannot too earnestly plead for these Indians and pray that their petition may be granted. I am thoroughly conversant with their needs and know whatever is done for them is money well spent. They are not murderers and cut throats, but are human beings who plead for justice from

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[307] Waters to Price, March 26, 1885, Letters Received, Record Group 75, National Archives. [402]

> a great government, that they may be recompensed for their lands taken from them.

The agent also recommended that a commission be established to deal with them.

The Commissioner responded in May, 1885, that he had received the petition from Seltice and the other Coeur d'Alenes and that the petition and accompanying papers provided sufficient reason to base a request to Congress for a commission to negotiate with the tribe. He submitted the papers to the Secretary of the Interior, formally requesting the establishment of a commission to deal with the Coeur d'Alenes, not only for the purpose of quieting title to their former aboriginal territory, but to formally remove scattered bands of Spokanes to their reserve.[308]

Although the major period of discovery in the Coeur d'Alene mining district had closed, the period of immigration was still well under way, and non-Indian population of the region was growing daily. With that population came continued, and increasing problems of trespass and illegal timber cutting, including complaints

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[308] Commissioner to Waters, May 14, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [403]

Price to Waters, February 26, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [404]

Price to Secretary of the Interior, February 4, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [405]

against Frederick Post, who was now firmly ensconced at Post Falls on the Spokane River.[309] An outbreak of smallpox at the Coeur d'Alene school was, no doubt the result of the gold rush.[310] Whites continued to write and petition the Indian Office in hopes that the reservation would be opened to non-Indian settlement and/or use.[311] The Commissioner remained adamant about strictly enforcing the law within the reservation boundaries. In November, 1885, newly appointed Colville Agent Benjamin P. Moore, reported that a licensed trader had constructed a building at one of the landings on Lake Coeur d'Alene for the purpose of storing, overnight, goods that were to have been unloaded from boats and removed from the reservation by wagon to the mining fields the next day. He said, "that in doing this the wagons are compelled to go about 200 yards over the reservation; and that among the merchandize there are sealed casks of liquors." The agent asked if that was permissible, and the Commissioner replied in no uncertain terms, that the law "prohibits the

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[309] Price to Waters, March 14, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [406]

Waters to Price, April 2, 1885, Letters Received, Record Group 75, National Archives. [407]

John A. Simms to Atkins, April 28, 1885, Letters Received, Record Group 75, National Archives. [408]

[310] Waters to Atkins, April 18, 1885, Letters Received, Record Group 75, National Archives. [409]

[311] Many Citizens to General Land Office, September 13, 1885, enclosing map, Letters Received, Record Group 75, National Archives. [410]

Reed to Vorhees, December 26, 1885, Letters Received, Record Group 75, National Archives. [413]

introduction of ardent spirits, under any pretense, into the Indian Country." He went on to say that his office "leaves no discretion" on this issue, and "permission cannot be given the trader to store or transport liquor as requested."[312]

In 1886 the first silver and lead ores were shipped from new mines in the Coeur d'Alene district for smelting.[313] The gold rush continued, and with it came increasing needs and wants on the part of the white settlers. Entrepreneurs soon began to hunt and fish in the area to provide for the miners and prospectors.[314]

> The St. Joe country abounded in fish, ducks, birds, deer, bear – all kinds of game. It became known as the finest trout stream in America, and anglers came from all over the country to fish in it. Unfortunately, commercial fishermen soon followed, scooping out trout by the ton. Spokane markets paid ten cents a pound for a catch laid down at head of navigation. Before long the fishermen took to dynamiting the river, picking up loads of fish to sell in Spokane or in

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312 Upshaw to Moore, November 6, 1885, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [411]

313 Jones, Fred O. "A Valuation Study of the Mineral Resources of the Lands Ceded by the Coeur D'Alene Tribe of Indians on March 3, 1891." Expert Testimony submitted in behalf of the Coeur d'Alene Tribe, *Coeur d'Alene Tribe v. United States of America,* Indian Claims Commission, Docket 81. Spokane, Washington, May, 1956, p. 184. [95]

314 Hult, Ruby El. *Steamboats in the Timber.* Caldwell, Idaho: The Caxton Printers, Ltd., 1953, p. 72. who noted that the Idaho legislature passed law against commercial fishing on the St. Joe River. [88]

> the mining country. But they did not gather up all they killed and for miles the river was strewn with dead fish.

In addition to food, the miners and prospectors consumed large volumes of liquor. The transport, delivery and consumption of liquor caused new problems for the Coeur d'Alene Tribe in 1886, and caused the United States government, at the highest level, to examine the reservation and tribal ownership of Lake Coeur d'Alene. Throughout 1886 there were continued reports of the distribution of liquor on the reservation. There were reports of sales to Indians, transport of liquor on reservation territory, and even a report of trespassers setting up a saloon on the Catholics' land at the Old Mission landing.[315] But the most important infraction involving liquor that was discovered during 1886 involved its transport and sale on board steamers while on Lake Coeur d'Alene.

As a result of complaints filed with the Department of the Interior, an investigation was begun in 1886 into the sale of liquor on board steamers while on Lake Coeur

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[315] *Hayden v. Frost, et al,* Idaho Territorial Court; March, 1887; Sacred Heart Mission Archives. [412]

McFarland to Atkins, May 14, 1886, Letters Received, Record Group 75, National Archives. [414]

R. E. McFarland to Commissioner J. D. C. Atkins, June 1, 1886, Letters Received, Record Group 75, National Archives. [415]

Atkins to Moore, January 6, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [416]

Atkins to Moore, March 11, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [417]

d'Alene, inside the Coeur d'Alene Reservation. Numerous depositions and statements were taken and it was determined that liquor had been for sale on the reservation on the steamboat "Coeur d'Alene." Witnesses described an open bar on board the steamer as it navigated across the waters of Lake Coeur d'Alene and the Coeur d'Alene River inside the Coeur d'Alene Reservation. Liquor was served both while the steamboat sailed and while it was docked inside the reservation boundaries. Extensive affidavits provided evidence of this sale on board the boat while steaming across Coeur d'Alene Lake. The Register of the United States Land Office at Coeur d'Alene, Robert E. McFarland, testified that while the steamer was tied up at the Old Mission, whiskey was served. As a result of the investigation, the owner of the steamer was formally charged with selling whiskey on the reservation (that is, on board the steamer).[316] By 1886

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[316] Sec. of War to Sec. of Interior, July 3, 1886, Letters Received, Record Group 75, National Archives. [418]

McFarland to Sec. Atkins, June 28, 1886, submitting various affidavits, Letters Received, Record Group 75, National Archives. [419]

Affidavit of George McCabe, June 24, 1886, Letters Received, Record Group 75, National Archives. [420]

Affidavit of Robert E. McFarland, June 28, 1886, Letters Received, Record Group 75, National Archives. [421]

Affidavit of Charles Smith, December 19, 1886, Letters Received, Record Group 75, National Archives. [422]

Affidavit of Silas Greestable, June 22, 1886, Letters Received, R. G. 75, National Archives. [423]

Upshaw to Moore, May 24, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [424]

published guide-books were describing the steamers and their routes to the goldfields.[317] This matter was considered of grave importance and the Acting Inspector General of the Army was dispatched to Coeur d'Alene to determine the facts in the case.

H. M. Lazelle, Acting Inspector General reported to the Adjutant General of the Army on July 27, 1886 that he had investigated the reports of the sale of whiskey on Lake Coeur d'Alene, as he was ordered to do.[318]

> It is to be observed that, with the exceptions of a few indentations on its northern coast, the entire lake of Coeur d'Alene, and about twenty-five miles of the river of Coeur d'Alene – from the mouth up, as far as the landing on that river, known as the "Old Mission" – lay wholly within the Coeur d'Alene Indian Reservation.

The steamer "Coeur d'Alene" made three round trips each week, according to Lazelle, from Coeur d'Alene to the Old Mission, "its entire course is within the limits of the Coeur d'Alene Indian Reservation" (see Map 13), stopping *en route* at Rockford and Farmington Landings. Each of the landings was reached via a road which led to small towns outside the reservation.

Moore to Atkins, March, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [425]

317 Anon. *The Great Northwest: A Guide-Book and Itinerary for the use of Tourists and Travelers over the lines of the Northern Pacific Railroad . . .* St. Paul: Riley Brothers, 1886, p. 297. [3]

318 Lazelle to Adjutant General, July 27, 1886, Letters Received, Record Group 75, National Archives. [426]

Figure 29: Ore from the Coeur d'Alene mines was loaded on the steamers at the old mission. From Kowrach & Connolly [101], p. 261.

> From the time of leaving the town of Coeur d'Alene to the Old Mission, on the 23rd, and from the Old Mission to the first named place on my return trip, on the 24th, instant, an open bar was kept on the boat, at which drinks of various sorts of liquor, were very freely and frequently sold.

While he was carrying out his inspection, the bar was closed as the steamer docked.

> Of the statutory violation by the owners of the steamer "Coeur d'Alene," in my judgment, it is fully susceptible of proof that Sec. 2139, R. S., is now, and has for more than a year past, been constantly transgressed, by the wilful introduction, storage, and sale of liquor within the limits of the Indian reservation . . .

He recommended having the United States Attorney seize the boat.

> The mining enterprises in the Coeur d'Alene mountains have already, in the opening and developing of mines and attendant interest, absorbed some hundreds of thousands of dollars capital. By reference to the topographical sketch inclosed, it will be seen that there is a route to the mines over the old Mullan road; and that there is another route from Thompson, Montana; so that the mining interests are not dependant upon the route across the lake through the Indian reservation, though no doubt such route is the most expeditious.

Lazelle's report was considered so important that the Secretary of War informed the Secretary of the Interior that they should discuss the matter at a Cabinet meeting

on August 10, 1886.[319] The day after the Cabinet meeting the Secretary of the Interior sent the Commissioner of Indian Affairs a communication, telling him to handle this "violation of law relating to sale of liquor" on the Coeur d'Alene Reservation."[320]

This investigation and the determination of the violation of law was to have far-reaching effects in the following years. At the highest levels of government, the United States had formally acted on its recognition that Lake Coeur d'Alene was a part of the 1873 Executive Order Reservation. Officials of the military, the Interior Department, the Indian Office and the General Land Office were informed that the lake was a part of the Coeur d'Alene Reservation, and that laws governing Indian territory had to be enforced on the lake. This was seen as a severe restriction on non-Indians' ability to carry out their business on the lake. In response to the ruling, the Resident Farmer on the Coeur d'Alene Reservation acted to eject people he found fishing on the Lake and its tributaries within the reservation boundaries.[321]

With John Mullan and the Jesuits assisting them, Seltice and the Coeur d'Alenes were finally successful in

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[319] Secretary of War to Secretary of Interior, August 9, 1886, Letters Received, Record Group 75, National Archives. [427]

[320] 1st Asst. Secretary of the Interior, Note to File, August 11, 1886, Letters Received, Record Group 75, National Archives. [428]

[321] F. Holmes, Resident Farmer to Gwydir, August 14, 1888, Letters Received, Record Group 75, National Archives. [429]

1886 in seeing the establishment of a commission to negotiate an agreement with them to quiet title to their aboriginal homeland. The petition signed by Seltice and others was submitted to Congress in 1886 along with a letter from Mullan, which was drafted after consultation with Father Cataldo. Mullan explained the history of the Coeur d'Alenes' relations with the United States and recommended that a group of Coeur d'Alenes be brought to Washington to conclude an agreement.[322] In late March, 1886, the Senate sent a resolution to the Secretary of the Interior, asking for any information relative to removing the Spokanes and Coeur d'Alenes to another reservation, and to any claims they might have against the United States. The Acting Secretary of the Interior responded with a report, which included the text of the 1885 petitions from Seltice asking for compensation for the tribe's aboriginal holdings, petitions from whites protected by the Coeur d'Alenes during the Nez Perce War, and the letter from John Mullan recommending that a commission be established to negotiate with the tribes.[323] As a result of Seltice's petition and the work of John Mullan, on May 15, 1886 Congress created the Northwest Indian Commission, empowered to negotiate agreements with tribes, including the Coeur d'Alenes. Members were

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[322] United States. Congress. House. *Ratification of Coeur D'Alene Indian Treaties in Idaho.* Report No. 1109. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [206]

[323] United States. Congress, Senate. *Letter from the Acting Secretary of the Interior.* Ex. Doc. No. 122. 49th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1886. [212]

John V. Wright, Jarred W. Daniels, and Harry W. Andrews. The Commission was authorized to negotiate with the Coeur d'Alene for the cession of their aboriginal territory.[324]

XI An Agreement is Reached, but Pressures Increase, 1886-1887

With mines in full production and ore being shipped out of the mining district, the huge big-stakes race to build rail lines into the mining fields was on. The Washington and Idaho (W&I), with the backing of the Union Pacific (UP), which also eventually acquired the OR&N, went up against the Northern Pacific. UP began to build lines from Spokane, while the NP connected the fields with Missoula. All of the rail companies needed express permission from the tribe in order to obtain a right-of-way through the reservation. The first of several of these agreements with the Coeur d'Alene Tribe was reached in 1886. The first rail line to the growing town of Coeur

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[324] Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

Dozier, Jack. "History of the Coeur D'Alene Indians to 1900." M.A. Thesis, University of Idaho, 1962, p. 96. [64]

United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [203]

24 Stats., 44. 49th Congress, 1st Session, Chas. 333, p. 44. [649]

d'Alene was completed in the same year.[325] A telephone/telegraph line also reached the small settlement at the Old Mission in 1886, which allowed current silver and gold quotations to be obtained from the New York marketplace.[326]

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[325] Wood, John V. *Railroads Through the Coeur D'Alenes.* Caldwell, Idaho: The Caxton Printers, Ltd., 1984, p. 26. [290]

"Agreement" (with attached departmental objections), December 29, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [430]

Commissioner to Moore, December 9, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [431]

Upshaw to Moore, October 25, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [432]

Secretary to Commissioner, October 18, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [433]

Commissioner to Moore, July 28, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [434]

Secy. of the Wash. & Idaho RR Co. to Moore, July 20, 1886, with enclosures, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [435]

Atkins to Moore, August 4, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [436]

[326] Bischoff, William N. "The Coeur D'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I.* New York: Garland Publishing Inc., 1974, p. 256. [16]

White settlers continued to pour into the area and the small towns boomed. Prostitutes plied their trade in the towns, gunfights occurred, and saloons did a lively business – Wyatt Earp even opened a saloon named the White Elephant.[327] The War Department and Fort Coeur d'Alene also wanted a portion of the reservation for a target range.[328] Whites continued to pressure the United States to provide access to Coeur d'Alene timber, but the government resisted and the Coeur d'Alenes did what they could to create some income selling deadfall. All of this caused more and more whites to call for the opening of at least a portion of the reserve.[329] Activity in both the

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[327] Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 13. [109]

[328] Lamar to Sec. of War, May 14, 1886, Letters Received, Record Group *75*, National Archives. [437]

Atkins to Secretary of the Interior, May 12, 1886, Letters Received, Colville Agency, Record Group *75*, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [438]

Lamar to Secretary of War, May 14, 1886, Letters Received, Colville Agency, Record Group *75*, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [439]

[329] O'Neill to Moore, January 2, 1886, Letters Received, Record Group *75*, National Archives. [440]

Colville Agent Benjamin P. Moore to Commissioner Atkins, January 4, 1886, Letters Received, Record Group 75, National Archives. [441]

Moore to Atkins, March 20, 1886, Letters Received, Record Group *75*, National Archives. [442]

Moore to Atkins, March 26, 1886, Letters Received, Record Group *75*, National Archives. [443]

House and Senate was generated by whites who wanted the reservation opened.[330]

While happy that the Northwest Commission had been established and would finally negotiate with them, Seltice and the Coeur d'Alenes expressed serious concerns about threats to their reservation. Seltice suggested that he and other leaders travel to Washington to discuss both the threats to their reservation and the proposed rail lines through the reserve. The Commissioner complimented Seltice, but said a visit wasn't necessary at that

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Morris to Moore, November 17, 1886, Letters Received, Record Group *75*, National Archives. [444]

Atkins to Moore, December 17, 1886, Letters Received, Colville Agency, Record Group *75*, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [445]

Atkins to Moore, January 25, 1886, Letters Received, Colville Agency, Record Group *75*, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [446]

Upshaw to Moore, September 22, 1886, Letters Received, Colville Agency, Record Group *75*, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [447]

Morris to Land Commissioner of U.S., November 17, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [448]

[330] Representative Hailey (Idaho) to Indian Office, May 17, 1886, Letters Received, Record Group 75, National Archives. [449]

Notes relative to responding to a Senate Resolution, (1886), Letters Received, Record Group 75, National Archives. [450]

time, adding that negotiations to place Spokanes on the Coeur d'Alenes' reserve would shortly take place.[331]

There were, however, responses from the public in support of the Coeur d'Alenes' rights to their land. A letter to the editor of the *Spokane Review* signed "Traveler" recounted the history of the Coeur d'Alenes' friendship with the whites and said their reservation should not be opened, as some were demanding. The Indians knew how to use the bottom lands along the river as well as anybody, said the author, and were working the lands to good effect, especially lands that were engulfed under water part of the year. The agent commented that the letter was a good response to the petition recently sent to

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[331] Saltice to O'Neill, March 8, 1886, Letters Received, Record Group 75, National Archives. [451]

O'Neill to Moore, March 13, 1886, Letters Received, Record Group 75, National Archives. [452]

Moore to Atkins, March 25, 1886, Letters Received, Record Group 75, National Archives. [453]

Seltice *et al.* to Secretary of the Interior, November 29, 1886, Letters Received, Record Group 75, National Archives. [454]

Atkins to Moore, April 16, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [455]

Upshaw to Moore, October 23, 1886, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [456]

United States. Department of the Interior. Annual Report of the Commissioner of Indian Affairs, 1886. Washington, D. C.: Government Printing Office, 1886, pp. 108 and 449, which also reported that one Coeur d'Alene man was "running a stage from the boat-landing on the lake to Farmington . . . and is making a good living." [247]

Washington to open the reservation.[332] That petition came from citizens of Nez Perce County, Idaho Territory, and prompted another response in support of the tribe. The pupils of the St. Ignatius Indian School on the Flathead Reservation, under the direction of Father Lawrence Palladino, published a pamphlet entitled, *Our Friends the Coeur D'Alene Indians.* The publication was produced by pupils including Moise, Maxim, and Baptist, because they had "learned by the newspapers the great anxiety caused to your [the Coeur d'Alene] nation by some white settlers." On opposite pages in the publication were printed the charges made in the above-mentioned "Petition of Freeholders of Whitman County, Washington Territory, and Nez Perce County, Idaho," and the responses made by Seltice and the Coeur d'Alenes reprinted from "Indians in Council" in the April 24, 1886, *Spokane Falls Review.*[333]

The petition was purported to have come from freeholders of Nez Perce County, Idaho and Whitman County, Washington Territory. The authors of the pamphlet, however, suggested that the attempt to open the reservation was meant not only to benefit whites at the expense of Indians, but had religious overtones as well (Nez Perce County being Protestant country). The white petition asked that the Coeur d'Alenes be allotted and

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[332] Moore to Atkins enclosing newspaper clipping, April 16, 1886, Letters Received, Record Group 75, National Archives. [457]

[333] Pupils of St. Ignatius Indian School. *Our Friends the Coeur D'Alene Indians.* St. Ignatius, Montana: St. Ignatius Indian School, 1886. [138] See Palladino [123] for reprint of full text.

that the remainder of their land be opened to non-Indians. "That the white settlers should wish for the permission to seize upon the coveted lands of the Indians needs no explanation other than the natural desire of human nature to benefit itself . . . " The white petition argued that the Coeur d'Alenes had become intelligent, civilized, and christianized, and have long since discarded their aboriginal habits and costumes and have adopted the manners and customs of the whites in almost every respect. . . . That said Indians now dwell in well built and commodious houses, have large bodies of land under fence, cultivate the same whith [sic] improved modern machinery, raise large quantities of those cereal products adapted to the soil, operate saw mills, raise cattle, and horses in large numbers, have capacious Churches and School buildings which well attended . . . " and that they did not participate in the Nez Perce war and protected whites from the Nez Perce. These facts, said the whites, suggested that the Indians should be allotted and their reservation opened. But the priest to the Coeur d'Alenes argued that while it was true the Coeur d'Alenes were civilized, they had "the **simplicity of a nascent civilization,**" they were innocent and naive and would be easily duped out of their rights by whites. The citizens of Pine Creek also submitted a testimonial in support of the tribe, thanking the Coeur d'Alenes for protecting them from the Nez Perce. The petition asked Congress to grant the Coeur d'Alene "good title to your land." The publication reprinted the Coeur d'Alenes' recent petition to Congress, and described efforts to

receive payment for their aboriginal lands. The publication noted that the reservation included Lake Coeur d'Alene:

> comprises a mountain range, a large lake, several rivers and a considerable amount of lowland liable to inundation. Consequently the mere number of given acres is misleading, since it might be concluded that they were all available for farming lands.

The Nez Perce County people said they needed the Coeur d'Alenes' timber, but the authors replied, "Are the Indians to be deprived of their timber lands solely because the neighboring white settlers need them?" They concluded that settlers should rather, "let them petition Congress for the necessary permission for the Indians to sell them lumber. The fact that the Coeur d'Alene tribe owns a large extent of timber land proves nothing except that they are better off in this respect than those who covet, but do not possess, these same forests." The Tribe derived income from their resources, collecting a small "tax" from whites who grazed on their reserve, but they said they did not collect a tax at the landings, though they could. They also received small payments for wood cut on the reserve, but stated that now they objected to whites taking any more of their wood. Seltice added that they wanted ammunition to go hunting.[334] The white petition asking for the allotment of the reservation, and the published response probably made the issues related

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[334] Palladino, Lawrence. *The Coeur D Alene Reservation and Our Friends the Coeur D Alene Indians.* Fairfield, Washington: Ye Galleon Press, 1967. Bold in original. [123]

to the Coeur d'Alenes' Reservation much more public, and made it more likely that Congress would examine the situation.

Against this backdrop of continuing controversy and efforts by whites to gain the opening of the Coeur d'Alene Reservation, the Northwest Commission traveled to DeSmet early in 1887 to negotiate an agreement with the tribe, by which the Coeur d'Alenes would formally cede their aboriginal territory and agree to allow bands of Spokanes to settle on the reservation with them. The commission reached Spokane Falls on February 23, 1887, and first met with Spokanes, who wanted their own reservation, but were denied that possibility by the Secretary of the Interior. The Upper and Middle Bands of the Spokanes agreed to resettle on the Coeur d'Alene Reservation. After completing the agreement with the Spokanes, the Commission traveled to Farmington and from there to DeSmet. Seltice met the group along the road, accompanied by forty armed and mounted men (evidently Soldiers of the Sacred Heart), who fired their Winchesters in the air and paraded by the Commission as they welcomed them to the reservation. The entire tribe met the Commission in DeSmet, and the meeting began with speeches by Seltice and the Commissioners. Every Coeur d'Alene then rose and shook hands with the Commissioners. March 23, 1887 was the first day of Council with the Coeur d'Alene. Commissioners Judge Wright, Dr. Daniels, and Major Andrews were present, along with "the chiefs and bands of the Coeur d'Alenes and the interpreter.[335]

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[335] United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress,

The Commissioners reported that the reservation was the best they had yet seen. "The Indians are industrious, thrifty, provident, and good traders." The Coeur d'Alenes were said to be friends of the whites, who had protected white property during times of conflict with other tribes. Polatkin, a schoolboy made an eloquent address to the Commissioners, and a schoolgirl also addressed the Commissioners eloquently, while other children discussed spelling with the Commissioners. Much of the activity was carried out in English and it was evident that most if not all of the children, at least, spoke English.

The formal meeting opened with a prayer. Judge Wright opened the session by explaining the Commissioners' objectives. The Commissioners referred to Senate Executive Document 122, 49th Congress, lst Session, in which a petition from the Coeur d'Alene "setting forth their claim and the boundaries of the land in question" was reproduced. The Commissioners noted that the Northern Pacific Railroad passed through the northern portion of their lands, and also reported on the history of Stevens' failed action with the tribe. All of this was reviewed by the Commissioners with the tribe. The Commission also obtained a copy of the 1873 agreement from the files at the DeSmet Mission and made a copy of that document to submit with their report. They used this agreement in determining the amount of compensation that was due to the tribe. The Tribe was very anxious to cement their relationship with the United States and do

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1st Session. Washington, D. C.: Government Printing Office, 1888, pp. 9-11, 30-43, 53-56, and 60-65. [203]

what was necessary to protect their remaining reservation lands.

> The anxiety of the Indians about their reservation and their fears that it might in some way be taken away from them, their unexampled good conduct, their friendship for the neighboring whites, displayed on a late memorable occasion [the Nez Perce War] their rapid advancement in self-support and civilization unaided by the Government, their willingness to allow their reservation to be filled up with Indians, the confidence they repose in the Government to settle their claim on its own terms, all conspired to cause us to put in the fifth clause, which provides that their reservation shall be held forever as Indian land as homes for the Coeur d'Alenes and such other Indians as may be removed thereto, and that no part of the reservation shall ever be sold or occupied, open to white settlement, or otherwise disposed of without the consent of the Indians.
>
> It may be said that this was unnecessary, inasmuch as no such thing would happen; but the loss of their former possessions and other causes had so excited their fears that it was concluded, in order to allay suspicion, and in as strong a manner as possible, bind the Government to that good faith which the Indian prizes so highly and which he thinks has been violated so frequently.

Seltice addressed the commissioners. He made a rather long speech, in which he said the tribe had "listened very carefully and understood everything that you have said, and it was good." He added that "half-breed" Spokanes

could settle there too, adding that although whites married Indian women, Coeur d'Alene men never married white women. He said he had considered everything the commissioners had said, and that the Spokanes could come, but should not bring cards or whiskey. Then he addressed the issue of lost land, "lost to us; it is dead to my people."

> You say we may receive for our lost land $150,000 – for our land outside the reservation. Do you know how much there is of it? There are more than 4,000,000 of acres. This land was very dear to us, but we have given it up to the whites. We have only a small part of our country – I mean this reservation . . .

Then he implored the Commission to protect what lands they had left. He described their homes, and farms, their schools and their graves.

> The Government has now thought of our claims for our lost land, and they have sent you to us. Of this we are glad, but neither money nor land outside do we value compared with this reservation. Make the paper strong; make it so strong that we and all Indians living on it shall have it forever.

Wright responded that the Government would protect their lands. "It will do so if it takes its whole power."

The Commissioners presented the draft agreement to the Tribe. "The agreement was then read to them by Commissioner Andrews, and each section carefully interpreted, to which the Indians gave marked evidence of approval."

> Chief Seltice and his people manifested great concern about the future of their reservation. The clamor of the whites for the opening of the reservation had reached their ears and made their hearts heavy. The fact that all their land since this reservation had been taken from them without even the pretense of the asking, and the rapid increase of white settlers around them were calculated to arouse their fears. They had no treaty relations with the Government and had no assurances of its fostering care. The visit of the Commission, and more especially when it was known that its visit was of the most friendly character, filled their hearts with gratitude and hope, which were manifested in their faces, their tone, and their expressions.

The Commissioners promised that the United States would protect the Coeur d'Alene, their rights and property, while Seltice promised that the Coeur d'Alene would defend the flag of the United States.

The following day the commissioners met with the tribe again:

> . . . The chief who had been empowered to speak for the tribe announced that he and his people were ready to sign the agreement. Every man in the council followed, and over two-thirds of the male adults signed the agreement, and it was apparent that all would have done so had they been present.
>
> The agreement was concluded at DeSmet Mission, March 26, 1887.

Under the agreement the Coeur d'Alene Tribe formally ceded its former aboriginal holdings for $150,000.00 and other benefits. They agreed to let

Spokanes settle on the remaining reserve, and they were promised that their reservation would remain in their possession forever (see Appendix VI).[336]

One provision of the agreement prohibited Coeur d'Alene women from marrying white men, unless the agent, chief, and priest all agreed to the man's good character. The same provision gave special rights to four white men who had befriended Chief Seltice. Stephen E. Liberty, Joseph Peavey, Patrick Nixon and Julien Boutellier were permitted to remain on the reservation with their families. The language in the agreement suggested the men had married Coeur d'Alene women, although only two were married to women who were part Native American, and none of the men were married to Coeur d'Alenes. Seltice later said that he had adopted the men and their families into the tribe. This provision was construed by U. S. officials to mean that the four whites and the members of their families should receive per capita shares of the $150,000.00 payment.[337]

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[336] United States. Congress. House. *Reduction of Indian Reservations*. House Executive Document No. 63. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [203]

Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 4. [63]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report," 1887. Washington, D. C.: Government Printing Office, pp. 29-30 and 287. [298]

[337] Murray, Alberta. *These My Children*. Fairfield, Washington: Ye Galleon Press, 1976, especially pp. 82-83. [182]

One month earlier, during February, 1887, in Washington, D. C., the President signed the General Allotment, or Dawes Act. Under the provisions of this act, individual Indians were to be allotted small parcels of land on which they could establish a family farm. Once allotments to individuals on a particular reservation had been made, the United States could then open the remainder of the reservation to non-Indian purchase, with proceeds going to the tribe.[338] The Dawes Act was used to pressure tribes to assimilate into white culture and to abandon traditional tribal practices. Historians Ross R. Cotroneo and Jack Dozier observed:

> One of the most confusing aspects of federal Indian policy after the enactment of the Dawes legislation was that the government continued to enter into agreements with various tribes whereby supposedly permanent reservations were established for the Indians.

So it was with the promises made in the "treaties" of 1887 and 1889. Cotroneo and Dozier concluded, "one cannot help but question the honesty and intelligence of such a vacillating program"[339] After the passage of the Dawes Act, the Commissioner quickly wrote to the Colville Agent, suggesting that since the Coeur d'Alene were so civilized, shouldn't they quickly be allotted. Moore

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[338] Tyler, S. Lyman. *A History of Indian Policy.* Washington, D. C.: United States Department of the Interior, 1973, pp. 95-98. [182]

[339] Cotroneo, Ross R. and Jack Dozier. "A Time of Disintegration: the Coeur D'Alene and the Dawes Act." *Western Historical Quarterly* Vol. V, No. 4 (October 1974): pp. 405-419. [42]

responded on April 13, saying that "it would cause much dissatisfaction among them" as it would not allow them to continue to farm in the manner in which they were engaged.[340] Later in the year, the Agent held a "full and well attended council with the Indians in regard to taking their lands in severalty and they voted unanimously not to take their lands otherwise than they now hold them." Gwydir argued that in a way they already held their lands in severalty, as each family had a farm of from forty to two hundred acres."[341]

The 1887 Commissioners were undoubtedly honest in their desire to protect Coeur d'Alene rights to their reservation, "forever." However, pressures from other whites to open the reservation, or at least a portion of it, were growing daily. Reports of trespass on the reservation, for the purpose of obtaining tribal timber, and for other reasons, continued throughout 1887. There were new reports of minerals being discovered on the northern portion of the reserve, and requests by whites to mine

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[340] Moore to Atkins, April 13, 1887, Letters Received, Record Group 75, National Archives. [458]

Atkins to Moore, March 18, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [459]

Atkins to Gwydir, June 4, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [460]

[341] Gwydir to Commissioner, August 19, 1887, Letters Received, Record Group 75, National Archives. [461]

and prospect on the reservation.[342] The Resident Farmer said that miners were on the reservation, and the Agent concurred, saying "if not stopped at once, the numbers will be so great, that it will be very troublesome to remove them," and asking for troops to help by rendering assistance.[343] The Coeur d'Alene Reservation Resident Farmer reported on May 4, 1887, that a large party of whites had entered the Reservation in the Wolf Lodge area for the purpose of mining. He traveled by launch to the area and ordered the several parties to leave. There were some thirty white men on the reservation engaged in mining. He reported that he believed that he should go there again, accompanied by some Coeur d'Alene men and stay long enough to see them all ejected from the reservation, but he was unwilling to expend the necessary funds until he knew the money would be reimbursed.

> General Carlin the Commanding Officer at Fort Sherman agrees with me that *immediate* action is necessary, or the country will be so full of men that there will be another Black Hills. In fact I am reliably informed that these men have made their boast that I could not keep them off & that

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[342] Cook, Gleason and Harrington to Secretary Lamar, April 30, 1887, Letters Received, Record Group 75, National Archives. [462]

Bischoff, William N. "The Coeur D'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I.* New York: Garland Publishing Inc., 1974, pp. 265-266. [16]

[343] Gwydir to Atkins, May 14, 1887, Letters Received, Record Group 75, National Archives. [463]

Gwydir to Atkins, telegram, May 14, 1887, Letters Received, Record Group 75, National Archives. [464]

> Government would not back me up in my efforts to remove them . . .

He continued that these men "would not hesitate to shoot an Indian out of pure meanness expecting by this means to gain their ends." He asks that General Carlin supply him with boats and funds to take two or three Indians with him to help eject the miners. Carlin expressed "great interest" in this, said the Resident Farmer, but could do nothing without authority.[344]

The problems with trespass on the reservation became so serious that they were brought before the Secretary of War in May. Agent Gwydir reported miners on the reserve on May 13. The Commissioner referred the matter to the Secretary of the Interior on May 14. The Secretary of the Interior wrote to the Secretary of War, saying there were reports of miners intruding on the Coeur d'Alene Reservation and instructions should be issued for the military to investigate and help expel the intruders. The Secretary of War concurred and issued orders on May 18, 1887. The Commanding Officer of Fort Sherman was issued orders to evict trespassing miners. On July 2, 1887, the Commissioner of Indian Affairs passed along another report, this one from a special inspector, who reported that whites were encroaching on the reserve, and that the Commanding Officer of Fort Sherman was anxious to do his duty, if so ordered. Armstrong said that the Coeur d'Alenes were advanced as farmers, having farmed since 1879, had their own police

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[344] Resident Farmer to Moore, May 4, 1887, Letters Received, Record Group 75, National Archives. Emphasis in original. [465]

force, and should be protected from trespassers. The Commissioner again referred the matter to the Secretary of War. Colonel Carlin received the orders and toured the northern strip of the reservation. Carlin was unwilling to expel the miners, and used, as an excuse, claims that the northern boundary of the reservation was incorrectly surveyed. He reported that the survey that was made in 1883 did not conform to the Executive Order language and as a result a strip of land was left in the reservation. He stated the white miners' claims that it should be opened to the public. Most of the lake, however, was still part of the reservation, he said, and should be obtained from the Indians. On August 15, 1887, Carlin stated:

> . . . Excursion trains are now run from Spokane Falls every Sunday to Coeur d'Alene City, and the excursionists come expressly to indulge in fishing and boating and to view the beautiful scenery along the shores. As steamboats have some years been carrying passengers and freights on the lake and river, and as this business must increase rapidly for many years it must be apparent to the Government that some provision must be made by which the white people can enjoy at least a portion of the lake shore and its waters for pleasure as well as business. The lands on the Eastern shore are utterly useless to the Indians, who do not want it, and are ready, perhaps anxious, to part with it. To the whites this region will be of the greatest value and will be developed, in a short time, to the benefit of the public at large. Though not called on to report on this particular subject, I trust my remarks will not be deemed out of place.

Carlin, nevertheless, was instructed to remove any trespassers, under the specific orders of the Secretary of War. Attached to the file on this matter were the 1883 survey notes of the original surveyor, Darius F. Baker, who described his reasons for making the line as he did, from the northwest corner of the Mission property, rather than from the southwest corner, as the whites would have liked to see it drawn. He described drawing the lines in the lake, and establishing their location by calculation from the banks. Lines frequently were mentioned to be in locations where the river or lake overflowed on occasion. Carlin took a copy of the fieldnotes and had one of his men, trained in surveying, show the difference between where the reservation boundary was and where he thought it should be. In either case, the line was shown crossing the lake and river waters. Carlin then forwarded this map and correspondence to the War Department, hoping for action.[345]

Despite direct orders from the Secretary of War, Carlin continued to resist engaging his troops in the removal

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[345] Trespassing on Coeur d'Alene Reservation, File 2889, Letters Received by the Office of the Adjutant General (Main Series) 1881-1889, Microfilm Roll 533, Record Group 75, National Archives. [466]

Secretary of War to Secretary of the Interior, May 18, 1887, Letters Received, Record Group 75, National Archives. [467]

Secretary of War to Indian Office, July 14, 1887, Letters Received, Record Group 75, National Archives. [468]

Atkins to Gwydir, June 1, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [469]

of whites from the reserve, arguing that the north boundary was not clear. He had one of his men draw a new line on a map, showing where the whites would like the reservation boundary to be in order to allow their workings. He then submitted this map and his argument to the Adjutant General's office.[346] The Secretary of War relented and reported to the Secretary of the Interior that the War Department could not be used to eject whites until Carlin's request for an accurate map was met.[347] The Interior Department then also relented. Acting Commissioner of Indian Affairs A. B. Upshaw wrote to the Secretary of the Interior on October 24, 1887, concurring with Colonel Carlin that a new survey should be made of the reservation.[348] Colville Agent Rickard Gwydir, under directions from the Commissioner, had investigated the boundary lines of the reservation and concluded that no monuments marked the lines. There was "considerable dissatisfaction" about the matter and the Agency Farmer said the line was never surveyed correctly. It was impossible to keep whites out of the Wolf Lodge area as a

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[346] Carlin to Asst. Adj. General, August 1, 1887, with map, Letters Received, Record Group 75, National Archives. [470]

Straughan to Sparks, August 10, 1887, Letters Received, Record Group 75, National Archives. [471]

Straughan to Carlin at Fort Sherman, August 10, 1887, Letters Received, Record Group 75, National Archives. [472]

[347] Secretary of War to Secretary of the Interior, September 10, 1887, Letters Received, Record Group 75, National Archives. [473]

[348] Acting Commissioner of Indian Affairs A. B. Upshaw to Secretary of the Interior, October 24, 1887, Letters Received, Record Group 75, National Archives. [474]

result, and the Commander of Fort Sherman (formerly Fort Coeur d'Alene) said while it was his duty to drive off trespassers, it was not his duty to keep a garrison at Wolf Lodge. Before the snow should fly that winter, Gwydir said he wanted a new line drawn from Fort Sherman to the Old Mission and thence south.[349] The Commissioner agreed that the north boundary could be changed to reflect the boundary suggested by Col. Carlin and submitted a report to that effect to the Secretary of the Interior.[350]

Although the north boundary line of the reservation was being contested, the correspondence on this affair, and the accompanying maps, indicate that all agreed that the area within the exterior boundaries of the reservation included the lake and river beds, as demonstrated on maps showing the line surveyed down the middle of the Spokane River channel. Both the 1884 and the 1887 maps clearly showed the reservation line carefully plotted going down the center of the Spokane River channel. The 1884 map even includes a statement written on the map

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[349] Gwydir to Atkins, October 27, 1887, Letters Received, Record Group 75, National Archives. [475]

[350] Commissioner Sparks to Secretary of Interior L. Q. C. Lamar, November 11, 1887, and attached maps, Letters Received, Record Group 75, National Archives. [476]

Commissioner Sparks to Secretary Lamar, November 11, 1887, Letters Received, Record Group 75, National Archives. [477]

pointing out that the line went down the "Center of the Channel of the Spokane River."[351]

Officials at the Interior Department, including the Secretary and the Commissioner of Indian Affairs, were well aware that the northern reservation boundary line was already fixed and that tribal consent and an act of Congress would be necessary to change it. The mining activity on the reservation and the War Department's refusal to evict trespassers meant something would have to be done. Seltice concurred that a boundary line had to be firmly established and marked properly, but the Agent pointed out that some Indians would lose improvements if the north line was simply redrawn.[352] A letter from the Commanding Officer of Fort Sherman indicated both the tribe and the United States were considering the tribal ownership of the lake. In December, 1887, Colonel William P. Carlin made a suggestion that would solve the whites' problems and would have far-reaching impacts

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[351] Commissioner Sparks to Secretary of Interior L. Q. C. Lamar, November 11, 1887, and attached maps, Letters Received, Record Group 75, National Archives. [476]

[352] Atkins to Gwydir, September 29, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [502]

Upshaw to Gwydir, August 9, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [478]

Atkins to Gwydir, December 15, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [479]

on the Coeur d'Alenes. He wrote to the Commissioner recommending a change in the reservation boundaries.[353]

> Referring to the matter of the boundary line of the Coeur d'Alene Indian Reservation in Idaho Territory, I respectfully recommend that by Executive and Congressional action combined the lines be changed as follows: That the south east side of the Reservation running from the initial point to the Old Mission on Coeur d'Alene River shall stop at the middle of said river and follow down the channel of the same to its mouth and thence westwardly in a direct line to the middle of Coeur d'Alene Lake, and thence down the middle of said lake to the middle of Spokane River where said River leaves said lake, and thence following the lines described in the Executive order setting apart said Reservation.
>
> This change of the boundary between the Old Mission and the head of Spokane River would throw open to the public a part of the Lake for purposes of navigation and pleasure. It would also throw open to the public the tract of land lying between Coeur d'Alene River and the Lake which is known to be valuable for its minerals but nearly worthless for agriculture. The bottom lands along the river are valuable as hay land but useless for cultivation, being overflown

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[353] Col. William P. Carlin to Commissioner of Indian Affairs, December 19, 1887, Letters Received, Record Group 75, National Archives. [480]

Anon. *The Great Northwest: A Guide-Book and Itinerary for the use of Tourists and Travelers over the lines of the Northern Pacific Railroad* . . . St. Paul: Riley Brothers, 1886, p. 305, also noted that the tribe used the river bottom lands to grow hay. [3]

> every year til July. A map is here in the Asst. Commissioner's office which illustrates the lines as I think they should be, and as they are now. Ultimately I have no doubt it will be necessary to procure from the Indians all the land lying between the Coeur d'Alene and Point Joseph Rivers in order that the mineral resources thereof may be developed. The reduction recommended herein is estimated at from forty to fifty thousand acres.

Throughout 1887 and early 1888 pressures on the Coeur d'Alene Reserve built. As nearly forty Spokane families prepared to move to the reservation, whites pestered their Congressmen about opening the reservation to non-Indian use, and the Congressmen and Senators, in turn, questioned Interior Department officials about the validity of Coeur d'Alene title to their reservation.[354] Tribal members had industriously attempted to make money cutting wood for the steamers and railroads. Steamers had been asking formal permission to land and

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[354] Cockrell to Atkins, February 24, 1887, Letters Received, Record Group 75, National Archives. [481]

B. Henley (House of Reps.) to Indian Office, February 1, 1887, Register of Letters Received (entry of February 2, 1887) Record Group 75, National Archives. [482]

Cockrell to Atkins, April 4, 1887, Letters Received, Record Group 75, National Archives. [483]

Saltice to Wright, *et. al.*, April 2, 1887, Letters Received, Record Group 75, National Archives. [484]

Wright, *et. al.* to Atkins, April 13, 1887, Letters Received, Record Group 75, National Archives. [485]

Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho,* 1968, p. 47. [109]

buy wood since 1884. Whites were angered that the Coeur d'Alenes charged them for wood that was cut on the reserve, for grazing, and for easement rights; and that they required permits to conduct business on reservation land or water.[355] Powerful railroad interests were

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[355] George Harvey, License to Trade at Coeur d'Alene, January 25, 1887, Letters Received, Record Group 75, National Archives. [486]

Note to file, June 18, 1887, Letters Received, Record Group 75, National Archives. [487]

Nelson Martin to Secretary of the Interior, June 27, 1887, telegram, Letters Received, Record Group 75, National Archives. [487]

Moore to Atkins, January 28, 1887, Letters Received, Record Group 75, National Archives. [488]

King to Acting Commissioner, June 2, 1887, Letters Received, Record Group 75, National Archives. [489]

Moore to Atkins, January 28, 1887, Letters Received, Record Group 75, National Archives. [490]

Secretary of the Interior to Commissioner, September 13, 1887, Letters Received, Record Group 75, National Archives. [491]

Rickard D. Gwydir to J. D. C. Atkins, November 22, 1887, Letters Received, Record Group 75, National Archives. [492]

Atkins to Gwydir, July 8, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [493]

Hawkins to Moore, May 6, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [494]

Lamar to Commissioner, June 30, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [495]

attempting to build lines across reservation land, and were sometimes frustrated with tribal restraint and reticence at providing right-of-ways.[356] Seltice and a

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King to Hawkins, June 2, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [496]

Atkins to Moore, January, 19, 1887, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [497]

Bischoff, William N. "The Coeur D'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I.* New York: Garland Publishing Inc., 1974, pp. 263-267. [16]

[356] Diomedi, Alexander. *Sketches of Indian Life in the Pacific Northwest.* Fairfield, Washington: Ye Galleon Press, 1978 (originally published 1902), p. 28. [60]

Wood, John V. *Railroads Through the Coeur D'Alenes.* Caldwell, Idaho: The Caxton Printers, Ltd., 1984, pp. 27-33. [290]

United States. Congress. *Congressional Record.* 49th Congress, 2nd Session, pp. 272, 305, 502, 825, 1203, 1244, 1565, 1576-1577, 1682, 1736, 1974, 2729-2731. Washington, D. C.: Government Printing Office, 1886-1887. [186]

United States. Congress. *Congressional Record.* 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1887-1888, p. 19. [187]

United States. Congress. House. *Washington and Idaho Railroad Company.* Report No. 4133. 49th Congress 2d Session. Washington, D. C.: Government Printing Office, 1887. [201]

United States. Congress. House. *Spokane and Palouse Railway Company.* Report No. 4134. 49th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1887. [202]

United States. Congress. House. *Spokane and Palouse Railway Company.* Report No. 3836. 49th Congress, 2d Session. Washington, D. C.: Government Printing Office, 1887. [200]

delegation of Coeur d'Alenes visited Washington at the expense of railroad interests. Although government officials were pleased with the Coeur d'Alenes, and flattered them, on his return to the reservation, Seltice reported that whites were scouring the reservation for gold and openly laughing at the Indians. Agent Gwydir reported that whites would use the "slightest opportunity to get on the Reserve, and after they get a foothold it will be a hard matter to dislodge them."[357] John Mullan became so concerned that he wrote to the Secretary of the Interior, saying that he had been informed there were efforts in Congress to open the Coeur d'Alene Reservation to whites. He made a formal request to the Secretary to be heard on the matter before any such decision was made.[358]

Feathers, Joseph J. S. *These Are the Coeur D'Alene Tribe.* Lewiston, Idaho: Lewis-Clark State College Press, 1971, p. 8. [68]

Harms, Su, ed. *The Coeur D'Alene Teepee* Vols. I-III (1937-1940) (July 1980). Plummer, Idaho: Serento Press, p. 294. [79]

"The Diary of DeSmet Mission, Idaho from 1878 to 193(9)," Box 730, House Diaries, 1878-1944, Gonzaga University. Oregon Province Archives of the Society of Jesus, Spokane, Washington. [498]

[357] Gwydir to Atkins, June 24, 1887, Letters Received, Record Group 75, National Archives. [499]

Saltese *et. al.* to Asst. Commissioner Upshaw, August 16, 1887, Letters Received, Record Group 75, National Archives. [500]

[358] Mullan to Lamar, February 18, 1887, Letters Received, Record Group 75, National Archives. [501]

The priests on the reserve were concerned that any conflict would be harmful to the tribes' chances to negotiate a satisfactory agreement, so they discouraged any activities that might result in a confrontation. One Coeur d'Alene man was persuaded not to finish constructing a canoe, as the priests worried he might encounter whites on the river who would confront him.[359]

In 1887 the tribe had finally achieved their goal of negotiating a treaty to obtain payment for their aboriginal lands, a treaty which also provided them with a promise that their reservation would never be taken from them. During 1886 and 1887 officials of the United States government at the very highest levels had again concluded that the reservation included Lake Coeur d'Alene, the Coeur d'Alene River and the St. Joe River, that those bodies of water were subject to Indian laws and regulations, and that they were held in trust by the United States for the tribe. But pressures on the resources, particularly in the northern portion of the reservation, became so great that there was a growing effort to force Congress to take some action that would result in the opening of all or a portion of the reservation. Officials in the War Department believed that the United States should negotiate to obtain a portion of Lake Coeur d'Alene and the Coeur d'Alene River so that whites could use the waters for business and pleasure.

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[359] Rossi, Jeremiah. "Rocky Mountains." *Woodstock Letters*, Vol. 17 No. 1 (1887): pp. 73-81. [654]

XII Another Agreement to Cede Territory, 1888-1889

Problems with trespass, railroads and timber only increased in 1888. A blizzard of paper was generated as the railroads (and now the Coeur d'Alenes) attempted to obtain easements across the reservation to the mining district, and the mineral deposits which were now thought to be "practically inexhaustible."[360] The tribe believed that access to the railroad would help them to

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[360] Upshaw to Gwydir, June 9, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [503]

Upshaw to Gwydir, July 25, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [504]

Secretary to Gwydir, October 1, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [505]

Commissioner to Gwydir, December 8, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [506]

United States. Department of the Interior. Commissioners of Indian Affairs. "Annual Report," 1888. Washington, D. C.: Government Printing Office, pp. 223 and 323-324. [249]

United States. Congress. House. *Washington and Idaho Railroad Company.* Report No. 1713. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [204]

Kappler, Charles Joseph. *Indian Affairs, Laws and Treaties,* Vol. 1. Washington, D. C.: Government Printing Office, 1904, p. 272. [99]

United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office for the Year 1888," 1888. Washington, D. C.: Government Printing Office, p. 446. [271]

market their products to non-Indians in the region. Settlers continued to pester officials, trying to determine some way to wrest Indian lands from the tribe.[361] Again in 1888 the Commissioner wired the Agent to order the eviction of trespassers on the reserve.[362] In August, the Resident Farmer, F. Holmes, reported to Gwydir on the work he had done over the past two years in evicting trespassers. Holmes told Gwydir on August 14, 1888, that during the months of June, July and August, 1888, he had "removed from the Coeur d'Alene Lake & its tributary waters one hundred and fourteen (114) persons."

> These persons were engaged in camping & fishing & as some one unknown had used Giant Powder to kill fish I removed all I found.

He also removed people coming on the reservation to cut timber. In the past two years he reported he had removed three hundred trespassers, "engaged in mining, haycutting, timber stealing, sheep herding, & fishing" (see Map 15). He had been testifying against these people and trying to gain indictments and punishment for them, as

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[361] Palmer to Atkins, January 16, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [507]

Atkins to Gwydir, March 26, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [508]

[362] Commissioner to Gwydir, April 19, 1888, telegram, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [509]

well.[363] Within a week Agent Gwydir was informed that funds to pay for the Resident Farmer were being withdrawn. Gwydir responded that the presence of the farmer there was of the utmost importance. He said "the whites in the country about the Reserve are continually encroaching upon the Indians and committing depredations," and that the tribe needed the white farmer there to support their efforts to keep trespassers of [sic] the reservation and to help them improve their farming practices.[364]

The Coeur d'Alenes' ability to fish their native streams was eliminated in much of the Coeur d'Alene River drainage by 1888. A local newspaper reported in 1888 that the mining operations had significantly damaged the fisheries.[365]

> By the fall of 1888, both the Tiger and Poorman mills were operating sufficiently to have colored Canyon Creek to its mouth, and no more trout were ever caught there.

Another author, May Arkwright Hutton, who witnessed the gold rush and its impacts on the environment, recalled the changes.[366]

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[363] F. Holmes, Resident Farmer to Gwydir, August 14, 1888, Letters Received, Record Group 75, National Archives. [510]

[364] Gwydir to Commissioner, August 28, 1888, Letters Received, Record Group 75, National Archives. [511]

[365] Livingston-Little, D. E. *An Economic History of North Idaho, 1800-1900.* Journal of the West: Lorrin L. Morrison and Carroll Spear Morrison Publishers, 1965 p. 90. [108]

[366] Hutton, May Arkwright. "The Coeur D'Alenes: a Tale of the Modern Inquisition in Idaho." in *Liberated Woman: a Life of May Arkwright Hutton.* Montgomery, James W. (ed.), Fairfield, Washington: Ye Galleon Press, 1974, p. 156. [89]

> Its rivers formerly abounded in fish and its forests were stocked with deer, bear and a variety of small fur-bearing animals, but the advent of the white man and the march of civilization has changed all this. . . .
>
> No more the wild-eyed antelope graze on the mountain slopes. The streams are no longer a sparkling crystal – the concentrates from the mills of the great silver and lead mines of the Coeur d'Alenes have changed them so they resemble the Chicago River, and the beautiful speckled trout live no more therein.

There was some movement in Congress to ratify the 1887 agreement,[367] but by the end of 1888 it was clear the agreement would not be ratified until additional negotiations were carried out with the tribe. A House Report concluded that the 1887 agreement was not ratified by the 50th Congress, for "sundry reasons, among which was a desire on the part of the United States to acquire an additional area, to wit, a certain valuable portion of the reservation specially dedicated to the exclusive use of said Indians under an Executive order of 1873 . . . "[368]

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[367] Atkins to Gwydir, January 10, 1888, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [512]

United States. Congress. *Congressional Record*. 50th Congress, 1st Session, pp. 7153, 8643, 8754-8755, 8892. Washington, D. C.: Government Printing Office, 1888. [188]

[368] United States. Congress. House. *Ratification of Coeur D'Alene Indian Treaties in Idaho*. Report No. 1109. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [206]

> It contains a magnificent sheet of water, the Coeur d'Alene Lake, and its chief tributary, to wit, the Coeur d'Alene River, over the waters of which steamers now ply daily from the city of Coeur d'Alene to the old Coeur d'Alene Mission, there connecting with a railway system penetrating into the very heart of said Coeur d'Alene mineral belt. It also controls the outlet of said lake, to wit, the Spokane River.

Whites in the region were frustrated that the Coeur d'Alenes had good title to their reservation, and to Lake Coeur d'Alene and the rivers, thereon. Senator Mitchell of Oregon, no doubt responding to the clamoring calls by whites to open the reserve, submitted a resolution to the Senate, asking for information on the Reservation. Senator Dawes of the Indian Committee responded, on the floor, that all the required information was currently available, but Mitchell persisted and the Senate backed him when it passed a Senate Resolution (see Appendix VII).[369]

> Whereas it is alleged that the present area of the Coeur d'Alene Indian Reservation, in the Territory of Idaho, embraces 480,000 acres of land; that there are, according to the statistics in the Indian Bureau, only about 476 Indians in the tribe now occupying such reservation, or more

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[369] United States. Congress. *Congressional Record*. 50th Congress, 1st Session, pp. 19, 618, 693, 894, 1131, 2290, 2370, 3053, 4165, 4308, 4330, 4910. Washington, D. C.: Government Printing Office, 1887-1888. [187]

United States. Congress. Senate. *Resolution*. Misc. Doc. No. 36. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [214]

than 1,000 acres to each man, woman, and child; that Lake Coeur d'Alene, all the navigable waters of Coeur d'Alene River, and about 20 miles of the navigable part of Saint Joseph River, and part of Saint Mary's, a navigable tributary of the Saint Joseph, are embraced within this reservation, except a short-line of about 3½ miles at the north end of the lake, it being alleged that this lake and its rivers tributary constitute the most important highways of commerce in the Territory of Idaho, and are in fact the only navigable waters, except Snake River, now used for steam-boat; navigation in the Territory; that all boats now entering such waters are subject to the laws governing the Indian country and all persons going on such lake or waters within the reservation lines are trespassers; and

Whereas it is further alleged that the Indians now on such reservation are located in the extreme southwest corner of the same around De Smedt [sic] Mission, near the town of Farmington, in Washington Territory, where the land is good for agriculture; and it being further alleged that all that part of such reservation lying between Lake Coeur d'Alene and Coeur d'Alene River and that part between the Coeur d'Alene River and Saint Joseph River is a territory rich in the precious metals and at the same time being of no real use or benefit to the Indians: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate as to the extent of the present area and boundaries of the Coeur d'Alene Indian Reservation in the Territory of Idaho; whether such

> area includes any portion, and if so, about how much of the navigable waters of Lake Coeur d'Alene, and of Coeur d'Alene and St. Joseph Rivers; about what proportion of said reservation is agricultural, grazing, and mineral land respectively; also the number of Indians occupying such reservation; also on what portion of such reservation the Indians now thereon are located; also whether, in the opinion of the Secretary, it is advisable to throw any portion of such reservation open to occupation and settlement under the mineral laws of the United States, and, if so, precisely what portion; and also whether it is advisable to release any of the navigable waters aforesaid from the limits of such reservation.

The resolution stated what the Senate believed to be true about the situation, and asked that the Secretary confirm or deny the relationship of the tribe and the United States to the rivers and lake within the reservation. This resolution of inquiry from the Senate of the United States to the Secretary of the Interior, and the subsequent reply from the Secretary, established beyond any doubt the ownership of Lake Coeur d'Alene, the St. Joe River, and the Coeur d'Alene River and their river and lake beds. The Senate indicated that all boats that enter upon the waters of the lake and rivers inside the exterior boundaries of the reservation are subject to "the laws governing Indian country" and that "all persons going on such lake or waters within the reservation lines are trespassers." The Senate asked the Secretary "whether it is advisable to release any of the navigable waters aforesaid from the limits of such reservation," further establishing that the United States regarded those waters

within the reservation's exterior boundaries to be a part of the reservation.

A short while later the Secretary of the Interior made his formal response.[370] The Secretary of the Interior referred the resolution of inquiry to the Commissioner of Indian Affairs, J. D. C. Atkins, who provided the formal response. The Secretary, in his introduction to the report, indicated that Lake Coeur d'Alene, and a portion of both the Coeur d'Alene River and the St. Joe River were within the reservation (although it was unclear how much of the St. Joe River was navigable).

> The Commissioner further states that, in his opinion, the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any lands so taken.

The Secretary also referred to the recent agreement with the tribe, in which the tribe officially ceded their former lands outside the current reservation. The Secretary noted that the Commissioner said in his report that this agreement should be ratified before negotiating with the Coeur

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[370] United States. Congress. Senate. *Letter from the Secretary of the Interior . . . about the Coeur D'Alene Indian Reservation*. Ex. Doc. No. 76. 50th Congress, 1st Session. Washington, D. C.: Government Printing Office, 1888. [213]

d'Alenes for "the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters . . . "

Commissioner Atkins began his letter to the President Pro Tempore of the Senate by quoting the entire resolution of January 25. In his comments to the Senate he made it abundantly clear that the United States considered Lake Coeur d'Alene, and those portions of the Coeur d'Alene River and the St. Joe River that were within the exterior boundaries of the Coeur d'Alene Reservation to be a part of the Coeur d'Alene Tribe's holdings, and that the tribe held "all the original Indian rights in the soil they occupy." He expressly indicated the United States' official determination that the navigable waters within the reservation were held by the tribe and that the tribe's consent was necessary to obtain a cession of part or all of them. He concluded that if the 1887 agreement was ratified, a cession of all or part of those waters could be arranged, so long as it was fair and included reasonable terms (see Map 14).

The content of the Senate Resolution, the Secretary of the Interior's response, and the Commissioner of Indian Affairs' response leave no doubt as to the rights of the Coeur d'Alenes to Lake Coeur d'Alene, and the portions of the St. Joe River and the Coeur d'Alene River within their 1873 Executive Order Reservation.

The Commissioner reported that the reservation contained almost 600,000 acres and described the landscape there.

> From the official map of Idaho (1883) and sundry others examined, the reservation appears to

> embrace all the navigable waters of Lake Coeur d'Alene, except a very small fragment cut off by the north boundary of the reservation which runs "in a direct line" from the Coeur d'Alene Mission to the head of Spokane River.

He described the shape and size of the lake and noted that the lake was navigable over its entire length, the Coeur d'Alene River was navigable over all the portion within the reservation, and that although he lacked sufficient information to make the conclusion, the St. Joe appeared to be large enough to be navigable. He provided a summary of agricultural, grazing and timber portions of the reservation, and said he enclosed a map with this report, which clearly described aspects of the riverbeds.

> A strip one-half mile wide on both sides of the Coeur d'Alene River along its entire length is described as "fertile valley, overflowed every spring."

He referred to the map made in 1886 by the officer who investigated "the sale of liquor upon the steamer *Coeur d'Alene* within the navigable waters of the reservation . . . ," and said this was submitted also.

> The question which remains to be answered is, whether it is advisable to throw any portion of the said reservation open to occupation and settlement under the mineral laws of the United States and, if so, precisely what portion, and whether it is desirable to release any of the navigable waters mentioned in the resolution from the limits of said reservation.

In approaching the question, the Commissioner described the "virtues, habits of industry, loyalty, and ambition" of

the Coeur d'Alenes. He quoted the Northwest Indian Commission's report and referred to the tribe's help during the Nez Perce War, then noted the mining rush to the area and the manner in which it threatened their lands. He quoted from recent agents' reports, which indicated the tribe's great concerns about losing their reservation lands to whites, and about the whites' efforts to have the reservation thrown open. The Commissioner concluded:

> I have taken some pains to ascertain, by reference to the correspondence and otherwise, whether the Indians would be likely to consent to a reasonable reduction of their reservation, and I am satisfied that they would upon anything like just and reasonable terms, and my own opinion is that the reservation might be materially diminished without detriment to the Indians, and that changes could be made in the boundaries for the release of some or all of the navigable waters therefrom, which would be of very great benefit to the public; but this should be done, if done at all, with the full and free consent of the Indians, and they should, of course, receive proper compensation for any land so taken.
>
> Just what portion of the reservation and navigable waters should be segregated from the reservation, I am unable to say. That, I think, should be determined by negotiations with the Indians.

The Commissioner then quoted from two reports suggesting that whites wanted the northeastern side of the reserve, known as the Wolf Lodge District. The Commissioner also noted that the Indians were against allotment, having much more land under cultivation already, than they would be allowed to select under the Dawes Act.

The Indians had, in fact, voted unanimously to reject taking lands in severalty.

> In conclusion I will state that in my opinion these Indians have all the original Indian rights in the soil they occupy. They claimed the country long before the lines of the reservation were defined by the executive order of 1873, and the present reservation embraces only a portion of the lands to which they laid claim. This claim has been recognized in various ways and at sundry times . . .

He then cited the 1887 agreement, and noted the pending removal of 350 to 400 Spokanes to the Coeur d'Alene Reservation.

> I think that when the present agreement shall have been ratified it will be an easy matter to negotiate with them for the cession of such portions of their reservation as they do not need, including all or a portion of the navigable waters, upon fair and very reasonable terms.

On July 13, 1888, Senator Mitchell introduced a bill (S. 3326) which would authorize the Secretary of the Interior to "negotiate with the Coeur d'Alene tribe of Indians for the purchase and release of a portion of their reservation."[371] Although Mitchell's bill did not pass in 1888, wheels had now begun to turn, and momentum now was building to enable legislation that would allow United States negotiations with the Coeur d'Alenes for

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[371] United States. Congress. *Congressional Record.* 50th Congress, 1st Session, pp. 19, 618, 693, 894, 1131, 2290, 2370, 3053, 4165, 4308, 4330, 4910, and 6227. Washington, D. C.: Government Printing Office, 1887-1888. [187]

the purchase of a portion of Lake Coeur d'Alene and the Coeur d'Alene River. On the reservation, in 1888, the tribe suffered from an epidemic of scarlet fever and measles, but a physician there segregated the sick and the Coeur d'Alene did not suffer results as bad as those suffered by other neighboring tribes.[372] Although there had been complaints about school cleanliness, the Jesuit schools were reported to be highly successful. It was reported that by the year 1888 more than half of the Coeur d'Alenes could understand English and one hundred twenty-five could read.[373] By 1889 nearly all of the essential means of transportation and communication had been established in the Coeur d'Alene area (see Map 16).[374]

> Railroads reached into every producing nook, roads were rough but wagons were strong and horses plentiful, telephone and telegraph lines tied together the remote settlements and linked all with the world at large.

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[372] Peltier, Jerome. *A Brief History of the Coeur D'Alene Indians, 1806-1909.* Fairfield, Washington: Ye Galleon Press, 1981, pp. 58-59. [132]

[373] Peltier, Jerome. *A Brief History of the Coeur D'Alene Indians, 1806-1909.* Fairfield, Washington: Ye Galleon Press, 1981, pp. 59 and 62, who later says thirty-six spoke English, in any case a large number of the tribe could converse in English at the time. [132]

[374] Bischoff, William N. "The Coeur D'Alene Country, 1805-1892." In *Interior Salish and Eastern Washington Indians I.* New York: Garland Publishing Inc., 1974, p. 257. [16]

Steamers had the capability of hauling more than 1,300 tons a week by the beginning of 1889.[375] Congress had failed again in 1888 to ratify the 1887 agreement, and the only excuse ever "tendered was that the United States wanted to acquire a certain valuable portion of land in the northern reaches of the reservation."[376]

On March 2, 1889, Congress passed the annual Indian Appropriations Act, which included a provision to create a Coeur d'Alene Commission.[377]

> That the Secretary of the Interior be, and he is hereby, authorized and directed to negotiate with the Coeur d'Alene tribe of Indians for the purchase and release by said tribe of such portions of its reservation not agricultural, and valuable chiefly for minerals and timber, as such tribe shall consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and for the purpose of such negotiation the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated; the action of the Secretary of the Interior hereunder to be

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[375] Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 59. [109]

[376] Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 5. [63]

[377] United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur D'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889. [215]

> reported to Congress as the earliest practicable time.

The Commission, composed of Benjamin Simpson of Selma, Alabama; John H. Shupe of Oakland, Oregon; and Napoleon B. Humphrey of Albany, Oregon, was appointed in May, 1889. In the meantime, during the early months of 1889 friction at Coeur d'Alene continued to build. Both the Spokanes and the Coeur d'Alenes were upset that Congress had failed to ratify the 1887 agreement.[378] Seltice, Regis and Peter Wildshoe, witnessed by Father Cataldo, petitioned newly elected President Harrison on April 30, 1889. They pointed out that they were on good terms with their neighbors and had protected whites from the Nez Perce during the war of 1877. They said that some whites coveted their "small, little reservation left to us," and asked President Harrison to see to it that their 1887 agreement was ratified.

> . . . It seems to us very strange that the great government of Washington should covet a few hundred thousand acres of our land left to us after our giving to said government nearly four millions of acres of very rich and valuable lands and minerals. . . .
>
> We hear that you have appointed some Commissioners to come and treat with us for the purpose of curtailing our reservations, though we

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[378] Seltice, *et. al.*, to President Harrison, April 30, 1889, Letters Received, Record Group 75, National Archives. [513]

Acting Commissioner to Gwydir, April 24, 1889, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [514]

> have no objection to give up some of our mountains, yet we do not see how we can make an agreement before the ratification of the first agreement. Our people will surely say "Washington does not keep his word, and it is useless to treat with him."

Father Cataldo forwarded this letter to John Mullan, who personally delivered this petition to President Harrison on May 28, 1889. The President, in turn, referred the letter to the Secretary of the Interior.[379]

During the same year, settlers continued to complain that they were being denied the rights to minerals that they had discovered on the reservation, and that the reservation lines were not drawn correctly.[380] Trespass continued and in that year included illegal homestead

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[379] Seltice, *et. al.*, to President Harrison, April 30, 1889, Letters Received, Record Group 75, National Archives. [513]

Cataldo to Mullan, May 10, 1889, Letters Received, Record Group 75, National Archives. [515]

Note to File, Executive Mansion, The President, 1889, Letters Received, Record Group 75, National Archives. [516]

[380] Charles Hoffman to Secretary of the Interior, May 4, 1889, Letters Received, Record Group 75, National Archives. [517]

Hobbs to Secretary of the Interior, July 3, 1889, Letters Received, Record Group 75, National Archives. [518]

Hon. J. N. Dolph to Secretary of the Interior, August 11, 1889, Letters Received, Record Group 75, National Archives. [519]

Manderson to Secretary of the Interior, December 4, 1889, Letters Received, Record Group 75, National Archives. [520]

entries on the reservation.[381] Controversy built in 1889 over the improvements of Frederick Post, at Post Falls, which were apparently inside the reservation boundaries.[382] Finally, violence did break out. Resident Farmer Holmes reported on March 20, 1889, that there had been trouble between the Coeur d'Alenes and whites on about January 25th. Whites entered the reservation to obtain wood, but a Coeur d'Alene man, following the directions that the Indian Office had given him, refused to give the whites permission. The whites then severely beat the man. His son arrived with a rifle and fired several shots after the men. The following Saturday the whites went to Farmington looking for Indians. Two of the white men, Joseph Nixon and Lee Stewart attacked a group of Coeur d'Alenes who were eating in a restaurant. Using chairs as weapons they badly beat the Coeur d'Alenes. The whites then followed the Indians to a store where they beat them again with the butts of revolvers, one of which had been borrowed specifically for the occasion of the attack.

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[381] James Ballard, homestead entry, September 17, 1889, Letters Received, Record Group 75, National Archives. [521]

Cole to Commissioner, October 5, 1889, Letters Received, Record Group 75, National Archives. [522]

[382] Note to File, May 31, 1889, Letters Received, Record Group 75, National Archives. [523]

Gwydir to Indian Office, April 5, 1889, Letters Received, Record Group 75, National Archives. [524]

Frederick Post to Indian Office, September 28, 1889, Letters Received, Record Group 75, National Archives. [525]

Acting Commissioner to Cole, September 19, 1889, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [526]

Holmes said he found the inhabitants of the town of Farmington so prejudiced towards the Coeur d'Alenes that he didn't even try to bring charges against them, for he believed the whites would only be acquitted, and he said he feared such an acquittal would "only embolden others to repeat the offence." Holmes hoped that friendly whites should help him seek prosecution of the offenders, but after this incident, Holmes was afraid that "serious trouble was likely to follow from this fight."[383]

Against this backdrop the Coeur d'Alene Commissioners arrived on the Coeur d'Alene Reservation, under very considerable official and unofficial pressure to negotiate a quick cession of Coeur d'Alene territory. The Commission received its instructions on June 13. A month later the Colville Agent was informed of the Commission's proposed task and asked to render them assistance.[384] They arrived at Coeur d'Alene on August 5, obviously on an accelerated schedule. They reported holding frequent councils with the tribe, and examining the reservation in detail before reaching an agreement with the tribe. But their work was not easy.

In the official report describing the 1889 negotiations, the Commissioner of Indian Affairs gave a short history of the tribe's claim to its territory, "based upon original

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[383] Gwydir to Commissioner, May 4, 1889, enclosing Holmes to Gwydir, March 20, 1889, Letters Received, Record Group 75, National Archives. [527]

[384] Morgan to Cole, July 8, 1889, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [528]

possession and occupancy," and of the 1887 agreement. He said:[385]

> When the Commissioners whose work is now under consideration approached the Indians upon the subject of relinquishment of some of their reservation lands, they absolutely refused to entertain any proposition of that kind until the old agreement was ratified.

In the report Commissioner of Indian Affairs T. J. Morgan described the commission's negotiations with the tribe, pointing out that the tribe was not only disturbed that their 1887 agreement had not been ratified, but that the Washington and Idaho Railroad had not paid money that was due the tribe for a right-of-way. The Coeur d'Alenes, said the commission, "displayed surprising business sagacity, coupled with an exalted idea of the fulfillment of promises." Commissioner Morgan had received the money due the tribe in January, but had not

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[385] United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur D'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889, which includes complete transcripts of the following documents. [215]

Commissioner Morgan to Secretary of the Interior, December 7, 1889, Letters Received, Record Group 75, National Archives. [529]

Report of the Coeur d'Alene Indian Commission, September, 1889, Letters Received, Record Group 75, National Archives. [530]

Transcript of Coeur d'Alene Indian Commission Councils with the tribe, 1889, Letters Received, Record Group 75, National Archives. [531]

forwarded it the agent for per capita distribution. He then immediately did so.[386]

The commissioners had only been in DeSmet four days before they were forced to wire the Indian Office. Ben Simpson, Chairman of the Coeur d'Alene Commission telegraphed the Commissioner of Indian Affairs on August 8, 1889, reporting that the Coeur d'Alenes objected to making another agreement until the former treaty was ratified. Simpson asked for authority to insert a clause in the proposed treaty making it invalid until the former treaty was also ratified. With that clause inserted, he said, he thought they could successfully make a new treaty.[387]

The Commissioner of Indian Affairs approved the clause, and pointed out later, in the official report, that a bill to ratify the 1887 agreement had passed the Senate, but failed to reach the floor of the House. He also provided an explanation for a proposed provision of per capita payments.

> It has not been the practice to pay such large sums of money to Indians cash in hand as is

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[386] Receipt, January 25, 1889, Letters Received, Record Group 75, National Archives. [532]

Morgan to Cole, August 5, 1889, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [533]

Morgan to Cole, August 6, 1889, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [534]

[387] Simpson to Commissioner, August 8, 1889, telegram, Letters Received, Record Group 75, National Archives. [535]

> proposed in this case, but the Coeur d'Alene Indians are far advanced in civilization, and from what is known of their habits and past life it would not be unreasonable to assume that they would make just as good use of their money if paid in this way as they would if it were paid to them in smaller sums or expended for their benefit in the usual manner.

He then quoted extensively from the annual report for 1888, which included this statement from the agent in 1888:

> I have said this much in order to show that the Coeur d'Alene Indians are quite intelligent and fully capable of understanding their relations to their white neighbors, and that they would be likely to take a sensible view of any proposition for a change of the boundaries of their reservation which public necessity or convenience would seem to require, and at the same time to show that they are deserving of fair and honest treatment from the whites.

The commissioners themselves filed an extensive report and transcript of proceedings at DeSmet. The Agent, Hal J. Cole met the Commission at DeSmet, where they had arrived on August 5, for the first council meeting on August 14. From the transcripts of councils and correspondence of the commission, it is clear there were additional meetings for which no transcripts were made.

The first council was held on August 14, 1889. General Simpson began by reading the commission's instructions from the Secretary of the Interior, stating that the treaty of 1887 would be ratified, that a clause of the current agreement would reflect a requirement to that

effect, that money due them from the railroad would arrive at once, and explained that "you [the Coeur d'Alene Tribe] are not compelled to sell."

Seltice spoke next, comparing the 1887 agreement to the construction of a fence:

> We built a strong, high fence with the Government; we built it round so the end nearly met. We done our part, but the gap that was left has never been finished by the Government at Washington.

Simpson responded that the President and Secretary of the Interior had endorsed ratification of the 1887 agreement and he was sure it would pass. Seltice was conciliatory and said though his people didn't understand these things as the whites did, and though they could not read and write, they wanted the proper paper to be made – that is they wanted an accurate transcript of the proceedings and the proposed agreement. Seltice asked the commissioners to be patient, granted them permission to look at reservation lands, and provided them with two guides. On the 16th the commission traveled to the mouth of the St. Joe, with an eye to putting a price on the territory they wanted to purchase from the tribe.

> From the St. Joseph River the Commission proceeded by boat to the Old Mission,the extreme northeastern point of the reserve, traversing in their course some eight miles of Coeur d'Alene Lake and thirty miles of Coeur d'Alene River.

The commission toured the mining and timber country, from Coeur d'Alene City to Wolf Lodge country. They concluded that the area around the head of the Spokane River would prove most valuable to whites.

> The timber is good and is easy of access, the Spokane River furnishing good facilities for conveying the logs to points along its course, where the opening of a new and rapidly settling country causes a great demand for lumber.

Then they returned to DeSmet and called a meeting for August 27.

The Commission told the tribe at this second meeting that they had been told to look for territory that the Tribe would not need, including lands that were mainly good for timber and minerals. The commission said it had done so, and now had a proposal to make. Simpson said the normal price for lands was $1.25 an acre, with timber land going for $2.50. Seltice responded that if the price wasn't right they wouldn't sell. Again, the Commission agreed with Seltice, and made the current negotiations contingent on passage of the previous one. Seltice provided another excellent metaphor:

> What was done by the last commission is like cooking a dinner, then setting it to one side to wait; you do not cook a dinner and lay it aside, then cook another dinner before you have eaten the first; it is that way with these treaties.

Then in talking about the proposed cession line and how it would impact travel and navigability, General Simpson said:

> We fixed a line, as was shown you on the map; it is just as Mr. Liberty [the interpreter] explained it to you. You understand that the lake belongs to you as well as to the whites – to all, every one who wants to travel on it.

> SALTISE. That is your idea about the boundary. You know we do not understand papers; in taking it that way we will not know the boundaries.
>
> General SIMPSON. You all know where the St. Joseph River is. We do not want any of that.

General Simpson then read a description of the proposed cession boundaries, including a description of the line drawn through the lake. He then continued.

> Now, if we buy this land you still have the St. Joseph River and the lower part of the lake and all the meadow and agricultural land along the St. Joseph River.

Saltice said he did not like the boundaries, and that his people were "bent" and that they didn't want to discuss a new treaty until the old one was finished. But, he said, if the two sides talked more maybe his people would consent.

Four days later, on August 31, 1889, the group met again. Seltice told the commissioners that as an Indian he had no interest in money. What he was interested in was his land. He reviewed the history of whites that had visited him over the previous forty years and noted that they had also promised him his land would always remain his.

> We are willing to let some go now – that which lays along the northern boundary of our reservation, and from eastern boundary of Coeur d'Alene River, and western boundary of Coeur d'Alene Lake, and south to mouth of Coeur d'Alene River.

His description at this point indicated that he did not know that lands to the west of the lake and north of the river's mouth were to be included in the cession. He went on:

> We are willing to relinquish this regardless of the three other commissioners [previous commissions]. Here you have plenty of timber, plenty of mineral, and plenty of grass; am willing to relinquish all this. I understand well this takes in all of the Wolf Lodge country.

Again at this point his comments suggest that he did not believe that the cession included any of the lake or any of the lands south of the river.

Simpson said, "We want to buy that which you want to sell." Seltice said that there were five or six Coeur d'Alenes who had claims in that area and that the United States needed to settle with them, but Simpson and Shupe told Seltice that the tribe had to make any such settlement, that the Coeur d'Alenes had to be treated as a tribe. Simpson again repeated his instructions to buy "lands for their timber and mineral." He adds, "Of course the more land you let us have the more money you will get." To which Seltice responded, "My dear friends, if our object was money you would be correct, but money is no object; our land we wish to keep." They responded to each other several times and recessed. When they came back Simpson started anew, this time concerning water.

> Well, gentlemen, we have talked the matter over as commissioners, and we would like to know, now more particularly about the boundaries on the water lines; it is not what we expected to

> get, but still we will take this with the understanding: There are some who have claims on these lands and you will settle with them.

Then the discussion turned back to the Indians who had claims near the Mission. The Commissioners refused to pay them, and said the tribe had to deal with them. The discussion next turned to the question of price. Seltice asked for $5.00 an acre, to which the commission responded it was willing to pay $2.50 an acre. Seltice interjected a comment that indicated he now knew that lands on the west of the lake were to be a part of the cession, for he said:

> You know it is against our wishes to sell any land, but you wanted to buy. We did not care for the land on the west by Spokane. I think it is worth what we ask. We offered that and you think it is too much. When you make your report to Washington let them say whether it is too much.

Seltice evidenced very shrewd bargaining power, and exercised his patience to good effect. He knew there was mineral value to the land and wanted a just payment for the land.[388]

At the close of the session on August 31, the commission was unsure it could complete a successful agreement. Commissioner Shupe wrote to Congressman Mitchell of Oregon saying that they did not think they

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[388] United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur D'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889. [215]

could get done with the negotiations within the allotted time, and asking for an extension of both time and money. Mitchell responded by telegram that he could give no assurances, and suggested they contact the Commissioner of Indian Affairs, at the same time himself asking the Commissioner to facilitate their work. But by the time the Commissioner of Indian Affairs had actually received all the correspondence the Coeur d'Alene Commission had achieved its treaty.[389]

Eight days later, on September 8, 1889, they again met in Council, this time with the male adults of the tribe. Clearly many discussions had gone on behind the scenes. Coeur d'Alene leader Pierre Wildshow indicated he would not refuse to sell the land, and observed that about half of the reservation was being disposed of.

> The young Indians want to make the Coeur d'Alene River the line, and from Spokane bridge down to Rockford, giving the two big mountains. I tell you this to make your hearts good and the Indians' hearts good.

Simpson said he understood the following to be the proposed arrangement:

> We understand you to mean on the west side – this side of the lake, down to Rockford from

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[389] Shupe to Mitchell, August 31, 1889, Letters Received, Record Group 75, National Archives. [536]

Mitchell to Simpson, September 4, 1889, telegram, Letters Received, Record Group 75, National Archives. [537]

Mitchell to Commissioner, September 4, 1889, Letters Received, Record Group 75, National Archives. [538]

> Spokane bridge, and along the northern boundary. I want you to extend this line from the mouth of the Coeur d'Alene River due east to the boundary of the reservation. You can speak now among yourselves and understand the line, and if satisfactory I think we can make an arrangement.

Presumably the Coeur d'Alenes did speak among themselves. Pierre Wildshow observed correctly that the tribe had offered them somewhat more land, but "since you wish to make the line where you have proposed this last time it will give us a little more land." He also said that the tribe wanted extra pay for the improvements of the two old men still living at the Old Mission, for the improvements of four men living near Spokane bridge, for improvements on the Coeur d'Alene River, and for a hay farm that was being operated by Coeur d'Alenes near Fort Sherman.[390] Simpson responded by providing the description of the entire parcel the government was buying and by commenting on the $650,000.00 in total payment from both the 1887 and 1889 agreements, but noting that the tribe must take care of people who had individual improvements.

The Coeur d'Alenes argued rather vehemently that the government said it did not want to buy Indian farms and that it should not be buying those farms, thus, logically, it should pay separately for these improvements. But the Commission was adamant. Seltice explained that

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[390] George, Oswald. "Historical MSS." Library and Archives. Cheney-Cowles Museum, Spokane, Washington, 1968, pp. 1-6, also mentions the hay farm then operated by the Coeur d'Alene. [71]

he had been sick during the discussion the previous day (the commission provided no record of that meeting) and he felt very bad about it because he had not been able to talk. Now he believed the negotiations were finished.

> SALTISE: Five hundred thousand dollars is a little sum; the ground is full of gold that is worth millions.
>
> We are in a hurry to get through thrashing; can you come tomorrow . . .

On September 9, 1889, the agreement [see Appendix IX] was signed by Seltice, other leaders, and over one hundred Coeur d'Alene men, at least one of whom was known to speak English. After the agreement was signed the commissioners thanked the priest, Father Cornano, Stephen E. Liberty (United States interpreter), and the chiefs and headmen of the tribe. Seltice, in turn, thanked the commission for their "detainment" [patience]. Seltice selected Peter Moctelme, Regis, Pierre Wildshow, and Stephen Liberty to go to Washington as part of a Coeur d'Alene delegation. Liberty was one of the white men adopted by Seltice. Authorities later concluded that the four whites and the members of their families should each receive per capita shares of the payment to the Coeur d'Alene Tribe for the ceded territory. The accompanying map shows the line drawn through the lake, just as it was discussed by the parties to the council, both the Coeur d'Alenes and the representatives of the United States. The United States succeeded in obtaining, through this cession, the greater portion of Lake Coeur d'Alene, including that which was most valuable for navigation to the mines. The United States clearly wanted to obtain the complete steamer route from Coeur d'Alene City to the

Old Mission. Transcripts of negotiations show that the United States believed the lake was being partitioned, with the tribe retaining the southern third and the United States obtaining the northern two-thirds. The official report to Congress also included the entire text of the official reports on the 1887 agreement.[391]

The Commissioners telegraphed the Indian Office on September 11, 1889, reporting that they had concluded a treaty with the Coeur d'Alenes, providing a description of the boundaries and the cost to the government.[392] On the same day, the Coeur d'Alene Commission sent a letter to Indian Commissioner Morgan, which was also signed by "General" Andrew Seltice, Interpreter Steven Liberty, Agent Cole and three other Coeur d'Alene leaders, saying that an agreement had been reached. The commissioners said that they had pledged themselves to recommend that the Department send the Agent and the head Chiefs of the tribe to Washington along with their interpreter, "in order that they – the representatives of the Indians – might satisfy themselves as to the good faith of the Government in this matter." Former commissioners and the railroad had done this in the past, they said, and in view

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[391] United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur D'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889. [215]

[392] Simpson, Shupe and Humphrey to Commissioner, September 11, 1889, telegram, Letters Received, Record Group 75, National Archives. [539]

of the tribe's efforts to become civilized, the commissioners recommend approving this request.[393]

Within a week Seltice had concluded a supplemental transaction, this one to the great benefit of Frederick Post. On September 16, 1889, Seltice signed an agreement and had it notarized in the office of the Kootenai County Recorder [see Appendix IX]. Seltice said in this agreement that Frederick Post had purchased what is now known as Post Falls from the Coeur d'Alene for a "valuable consideration" in 1871 and that this property should be deeded to him and exempted from the 1889 cession. No other parties signed this document. The document was submitted to authorities in Washington. Although the Post cession was not mentioned in the official reports on the 1887 and 1889 agreements, it was examined and found valid by the Interior Department and Congress. It was later ratified and made law by Congress, along with the 1887 and 1889 agreements. Seltice later explained this action by saying Post had purchased the property from his father for $500.00.[394] This agreement is important because it indicates that both the United States and Seltice were firmly aware of the value and importance of

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[393] Simpson, *et. al.*, to Commissioner Morgan, September 11, 1889, Letters Received, Record Group 75, National Archives. [540]

[394] Kowrach, Edward J., and Thomas E. Connolly (eds.) *Saga of the Coeur D'Alene Indians: An Account of Chief Joseph Seltice*. Fairfield, Washington: Ye Galleon Press, 1990, pp. 215, 233, 315-316, and 358. [101]

The Statutes at Large of the United States of America, from December, 1889, to March 1891 . . . , Vol. XIXVI, Washington, Government Printing Office, 1891, p. 1031 (26 Stat. 1031). [221]

river channels and that this cession of such property had been made with all parties aware of riverbed values.

The historical evidence shows that the 1889 agreement included a cession of the lakebed north of the line, but was not a cession of the St. Joe River channel, nor the lakebed south of the line. It clearly shows that Seltice and the United States were aware of the economic value of river channels and lakebeds at the time of the 1889 agreements. The action of the United States in ratifying these agreements thus expressly indicated title to lakebeds and riverbeds being divided between the United States and the Coeur d'Alene Tribe. Further, the supplementary agreement indicates that Post's agreement with the tribe was contingent upon his building a mill and improving the water-power. Thus, they were aware of and dependent on the future implications of their maintained lakebed and riverbed rights as a result of the 1889 agreement.

Suggestions that there was inadequate interpretation during these negotiations seem to be completely erroneous. Reichard published a Coeur d'Alene story in 1934 dealing with white encroachment on Coeur d'Alene land, and in which "the false coyotes are the interpreters who are blamed for misrepresenting the Indian's cause in the talks with Government officials."[395] Steven Liberty seems to have greatly benefited personally from his position as interpreter for the tribe, but there is no evidence that he

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[395] Reichard, Gladys A. "The Style of Coeur D'Alene Mythology." In *Verhandlungen Des XXIV. Internationalen Amerikanisten-Kongresses Hamburg*, edited by R. Grossmann and G. Antze, pp. 243-253. Hamburg: Friederichsen, De Gruytey & Co., 1934, p. 252. [149]

was in any collusive arrangement with authorities. In fact, Liberty's knowledge of law may have helped the tribe.[396] Father Joset spoke Coeur d'Alene and many of the Coeur d'Alenes spoke English. The records of the meetings held with the commissioners suggest that negotiations were understood well on both sides of the table. Certainly the United States pressured the tribe to cede the lands, but did not force them to sell lands. Coeur d'Alene tribal leadership, especially Chief Seltice, was in close contact with the Jesuit priests, and certainly consulted with them on all important political matters. Likewise, they consulted with other white confidants, like Steven Liberty. Priests and other whites certainly had personal, religious, and professional agendas which colored their advice. Seltice, himself, may have been an imperfect leader. However, none of this suggests that the tribe had abandoned sovereign decision-making. The record suggests that these contacts helped Seltice to achieve his own objectives. The commissioners later praised Seltice's and the Coeur d'Alenes' business acumen, while at the same time saying they had made a bargain purchase.[397]

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[396] Murray, Alberta. *These My Children*. Fairfield, Washington: Ye Galleon Press, 1976, p. 61. [119]

[397] Dozier, Jack. "Coeur D'Alene Country: the Creation of the Coeur D'Alene Indian Reservation in North Idaho." *Idaho Yesterdays* (1962), p. 7. [63]

The Commissioner of Indian Affairs reported on the 1889 agreement, pointing out that the United States had been able to obtain a portion of Lake Coeur d'Alene.[398]

> Councils with the Indians were held in August last and as a result of the negotiations an agreement was concluded on the 9th day of September following, whereby the Indians agreed to sell a considerable portion of their reservation (in the northern part), valuable chiefly for minerals and timber, and embracing by far the greater portion of the navigable waters of the reservation. The terms agreed upon are regarded by the commissioners as reasonable and just alike to the Indians and the government.

The historical record provides conclusive evidence that the United States and the Coeur d'Alene discussed in detail, understood, and explicitly agreed to a 243,000 acre cession which included a 37,000 acre portion of the Lake Coeur d'Alene lakebed, and of the Coeur d'Alene riverbed in 1889. The Tribe retained ownership of the southern portion of Lake Coeur d'Alene and a portion of the St. Joe River. The United States acknowledged Coeur d'Alene title to the tribal portion of Lake Coeur d'Alene and the St. Joe River (see Maps 9 and 17).

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[398] United States. Department of the Interior. Commissioner of Indian Affairs. "Annual Report," 1889. Washington, D. C.: Government Printing Office, pp. 21-22. [250]

Peltier, Jerome. *A Brief History of the Coeur D'Alene Indians, 1806-1909.* Fairfield, Washington: Ye Galleon Press, 1981, pp. 60-66. [132]

XIII Ratification, 1890-1891

Late in 1889 the Secretary of the Interior formally reported on the 1889 "Purchase of a Part of the Coeur d'Alene Reservation" in a letter to the Senate.[399] In January, 1890, Senator J. H. Mitchell transmitted a draft of a bill to ratify the agreements made with the Coeur d'Alenes.[400] Controversy over Post's holdings on the Spokane River had continued, and the Indian Office referred the matter to the Senate Committee on Indian Affairs. The Senate Committee on Indian Affairs had reviewed the 1887 and 1889 agreements and submitted draft legislation to the Secretary of Interior for review. The Secretary referred the draft to the Commissioner of Indian Affairs who responded to the Senate providing details on how the appropriations act should be worded, with instructions on funding the required grist/saw mill, the hiring and payment of a blacksmith, per capita payments to tribal members, the survey of the reservation, and the disposal of lands opened to settlement. The Commissioner determined that only one and not two mills would satisfy the treaty language. The Indian Office provided evidence that Seltice had indeed made the agreement with Post in 1871 and pointed out that he had also begun developing the river channel for the purpose of water-power, as required in the agreement. The Indian

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399 United States. Congress. Senate. *A Letter of the Secretary of the Interior Relative to the Purchase of a Part of the Coeur D'Alene Reservation*. Ex. Doc. No. 14. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1889. [215]

400 Mitchell to Indian Office (note to file), January 28, 1890, Letters Received, Record Group 75, National Archives. [541]

Office hoped that the Committee could attach the Seltice/Post agreement to the legislation.[401]

Pressure to open the northern portion of the reservation now increased dramatically as whites realized the 1889 agreement was before Congress. Hundreds, if not thousands, of miners and prospectors flooded into the

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[401] Morgan to Cole, May 6, 1890, Letters Received, Colville Agency, RG 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [542]

Morgan to Cole, June 28, 1890, Letters Received, Colville Agency, RG 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [543]

United States. Congress. Senate. *Letter of the Secretary of the Interior Transmitting Correspondence in Relation to the Ratification and Confirmation of Certain Agreements Between the United States and the Coeur D'Alene Indians in Idaho Territory*. Misc. Doc. No. 95. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [216]

United States. Congress. House. *Ratification of Coeur D'Alene Indian Treaties in Idaho*. Report No. 1109. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [206]

United States. Congress. House. *Ratification of Coeur D'Alene Indian Treaties in Idaho*. Report No. 2988. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [205]

Mitchell to Indian Office (note to file), January 28, 1890, Letters Received, Record Group 75, National Archives. [541]

Parker to Ingalls, March 16, 1890, Letters Received, Record Group 75, National Archives. [544]

Lee to President Harrison, May 9, 1890, Letters Received, Record Group 75, National Archives. [545]

Eleanor Lee to Commissioner of Indian Affairs, March 16, 1891, Letters Received, Record Group 75, National Archives. [546]

northern portion of the reserve. Many more individuals queried officials about when they could legally enter the reservation. The Spokanes were also becoming impatient about relocating on the Coeur d'Alene Reservation. And of course the Coeur d'Alenes, who had effectively already lost the use of the northern portion of the reservation, were impatient themselves to be paid for their ceded territory, both aboriginal and reservation.[402] Despite the pressures on Congress to ratify the agreements, the Coeur d'Alenes were still uneasy about Congress. They entered

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[402] Gildea to Cole, April 21, 1890, Letters Received, Record Group-75, National Archives. [547]

Notes to file, 1890, Letters Received, Record Group 75, National Archives. [548]

Conner to Commissioner of General Land Office, June 20, 1890, Letters Received, Record Group 75, National Archives. [549]

Conner to Commissioner of Indian Affairs, June 20, 1890, Letters Received, Record Group 75, National Archives. [550]

Thom to Secretary of the Interior, July 18, 1890, Letters Received, Record Group 75, National Archives. [551]

Thompson to Post Adjutant, August 22, 1890, Letters Received, Record Group 75, National Archives. [552]

Morgan to Cole, July 5, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [553]

Act'g Commissioner to Cole, November 15, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [554]

Acting Commissioner to Cole, October 1, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [555]

into a contract (approved by the Indian Office) with their old associate John Mullan to lobby in Congress for ratification of the two agreements.[403]

In March, 1890, the House Committee on Indian Affairs joined the Senate in officially calling for ratification of the two agreements. The House report reprinted the resolution sent to the President in 1885, in which the Coeur d'Alenes stressed the fact that the negotiations were focused on a business agreement, and said the 1889 agreement was a good one, which included acquisition of important property for the United States.[404]

> It contains a magnificent sheet of water, the Coeur d'Alene Lake, and its chief tributary, to wit, the Coeur d'Alene River, over the waters of

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[403] Secretary of the Interior John W. Noble to Commissioner of Indian Affairs, June 27, 1890, Letters Received, Record Group 75, National Archives. [556]

Belt to McCammon, May 10, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [557]

Mullan to Gildea, May 15, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [558]

Acting Commissioner to Cole, October 11, 1890, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [559]

Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 79. [109]

[404] United States. Congress. House. *Ratification of Coeur D'Alene Indian Treaties in Idaho*. Report No. 1109. 51st Congress, 1st Session. Washington, D. C.: Government Printing Office, 1890. [206]

> which steamers now ply daily form the city of Coeur d'Alene to the old Coeur d'Alene Mission, there connecting with a railway system penetrating into the very heart of said Coeur d'Alene mineral belt. It also controls the outlet of said lake, to wit, the Spokane River.

On July 3, 1890, "An act to provide for the admission of the State of Idaho into the Union" became law and Idaho entered the Union.[405] The Idaho State Constitution had been written at a convention held in the summer of 1889 and was passed by the Idaho voters in November of 1889. The July 3, 1890 Act making Idaho a state included a section (Article XXI, Section 19) disclaiming ownership of Indian lands:[406]

> And the people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian

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[405] United States. Congress. *The Statutes at Large of the United States of America from December 1889, to March, 1891*, Washington, D. C.: Government Printing Office, 1891, pp. 215-219. [221]

[406] Schwantes, Carlos A. *The Pacific Northwest: An interpretive History*. Lincoln and London: University of Nebraska Press, 1989, pp. 212-215. [160]

Idaho State. *Idaho Code*. Charlottesville, Virginia: The Michie Company, 1993, p. 19. [92]

> lands shall remain under the absolute jurisdiction and control of the congress of the United States . . .

By late 1890, Indians and non-Indians in the region believed that the agreements would be ratified. It had become practically impossible to prevent settlers and prospectors from entering the reservation. "Boomers" had begun gathering in neighboring towns throughout the winter in anticipation of the land rush. Despite the fact that the Coeur d'Alenes favored the agreements and had even hired a lobbyist to ensure congressional ratification, some New England religious groups expressed opposition to the agreements, because the tribe would be losing some of its land base. Some land speculators in Spokane opposed ratification because of the special agreement with Frederick Post. But as winter passed, large numbers of settlers waited on the borders of the reservation for their opportunity to make entries on the newly opened territory. Early in 1891 Idaho citizens petitioned Congress to approve the Coeur d'Alene agreements and yet another measure was introduced to ratify both agreements.[407]

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[407] United States. Congress. *Congressional Record*. 51st Congress, 2nd Session, pp. 966, 1525. Washington, D. C.: Government Printing Office, 1891. [190]

Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, pp. 79-80, 95, 124-126. [109]

Acting Commissioner to Cole, December 24, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [560]

Finally, on March 3, 1891, Congress ratified both the 1887 and the 1889 agreements, including the agreement with Frederick Post. A provision to that effect was included in the Indian Appropriations Act for the year.[408]

Acting Commissioner to Cole, August 28, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [561]

Acting Commissioner to Cole, August 6, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [562]

Acting Commissioner to Cole, May 27, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [563]

Acting Commissioner to Cole, June 8, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [564]

Acting Commissioner to Cole, March 28, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [565]

[408] United States. Congress. *The Statutes at Large of the United States of America from December 1889, to March, 1891,* Washington, D. C.: Government Printing Office, 1891, pp. 989-991, 1027-1032. [221]

United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office for the Fiscal Year Ended June 30, 1891," 1891. Washington, D.C.: Government Printing Office, p. 352. Post lost no time in obtaining a survey of his holdings, a contract for which was let by July, 1891. [272]

United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office

It is ironic that in the 1887 agreement the promise was made that the 1873 reservation will "be held forever as Indian land and as homes for the Coeur d'Alene," though the 1889 agreement, also ratified by the same act, approved of cession to the United States of a portion of the reservation. "Boomers," who had anticipated the Presidential signature, were waiting in large numbers to enter the reservation. Non-Indians were well-aware that the Indians were also receiving $500,000.00 and they looked on the "money and opening of the Reservation . . . as the first blessings of statehood."[409] Troops had to evict boomers who trespassed on the reserve early. In April, 1891, the reservation lands were opened and boomers quickly filed entries, large numbers of them having no intention of staying, but only selling their entries. Some problems were encountered when Indians attempted to collect for improvements in the ceded lands.

> The Indians endeavored to make some trouble with the new settlers, but no serious difficulties were anticipated.

Indians tried to collect for improvements they left, but eventually the settlers refused to pay. The Indians set fire

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for the Fiscal Year Ending June 30, 1893," 1893. Washington, D.C.: Government Printing Office, p. 333, reported that both the survey of the ceded lands and Post's lands were completed by July, 1893. [274]

[409] "Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, p. 124. [109]

to grass along the river and made threats, but no real trouble developed."[410]

The Commissioner of Indian Affairs instructed the Agent to complete a tribal census roll which would be used to make per capita payments to tribal members.[411] A small controversy developed when a Coeur d'Alene who did not live on the reservation, evidently having rejected Catholic conversion, was left off the census roll. He hired John Mullan to represent him and eventually Seltice and other tribal leaders allowed his name to be reinstated on the roll.[412] In April, 1892, four hundred twenty-six

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[410] Magnuson, Richard G. *Coeur D'Alene Diary; the First Ten Years of Hardrock Mining in North Idaho*, 1968, pp. 130-131. [109]

United States. Department of the Interior. General Land Office. "Report of the Commissioner of the General Land-Office for the Year 1892," 1892. Washington, D. C.: Government Printing Office, p. 188. [273]

[411] Acting Commissioner to Cole, March 17, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [566]

Morgan to Cole, June 26, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [567]

Morgan to Cole, June 30, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [568]

[412] Commissioner Morgan to Secretary of the Interior, November 4, 1891, Letters Received, Record Group 75, National Archives. [569]

Cole to Commissioner, October 24, 1891, enclosing certificate approving the census roll, Letters Received, Record Group 75, National Archives. [570]

members of the tribe reportedly received about $1,137.00 each.

> In late April, the Coeur d'Alene Indians flocked to the surrounding area to cash the checks they received from Uncle Sam for their land. They averaged about $1,200 each and totalled about $600,000. Money was flowing like water near the reservation.

Many inquiries about these per capita payments came into the Indian Office prior to the day the money was distributed.[413]

At least thirty-two of the whites adopted by Seltice and their relatives shared in the per capita payments of

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Seltice *et. al.*, October 21, 1891, Letters Received, Record Group 75, National Archives. [571]

Mullan to Indian Office, October 6, 1891, with enclosures, Letters Received, Record Group 75, National Archives. [572]

Commissioner to Quin a mo sey, August 27, 1891, Letters Received, Record Group 75, National Archives. [573]

Morgan to Cole, October 10, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [574]

Morgan to Cole, November 7, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [575]

Acting Commissioner to Cole, December 14, 1891, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [576]

[413] Wells to Secretary of the Interior, June 17, 1891, Letters Received, Record Group 75, National Archives. [577]

Morgan to Cole, February 9, 1892, Letters Received, Record Group 75, National Archives. [578]

1891, receiving a total of more than $33,000.00, or about 7% of the proceeds.[414] Other funds were loaned out to the white communities "where it could earn dividends."[415] The Editor of the *Spokane Enterprise* was outraged, and wrote to the Commissioner of Indian Affairs.[416]

> I am a resident here for a good number of years, also am Editor of a paper. I have studied Republic politics. I am a republican all over. My Father fought for the union. I am a tax-payer and a voter and I love the flag of our Country. But when I see such injustice go on as is carried on in this place it makes me rebel in my heart against our Federal government and all its institutions. I refer to the money that is to be paid to the Coeur d'Alene Indians, not to the Indians but to a lot of French Canadians and Irish just from the sod. Butleir [Boutellier] is a naturalized citizen of the U. S. who has taken his homestead claim improved it and sold the same for the sum of $3,500 and this was spent by a family. His wife being 1/8 breed Cayuse squaw he used his deceitful practice with the Holy Fathers at the

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[414] Murray, Alberta. *These My Children*. Fairfield, Washington: Ye Galleon Press, 1976, p. 83. Murray's history of these men provides some evidence that seems to indicate the white men were also used by Seltice and the Coeur d'Alene in later years to get around the prohibition on alienation of lands. [119]

[415] Peltier, Jerome. *A Brief History of the Coeur D'Alene Indians, 1806-1909*. Fairfield, Washington: Ye Galleon Press, 1981, p. 66. [132]

[416] H. W. Desgrangers, Editor of the Spokane Enterprise, January 25, 1892, Letters Received, Record Group 75, National Archives. [579]

> Mission and his wife with Chief Saltise and got adopted into the [tribe].

The editor was outraged that Nixon, Peavey, Liberty and Boutellier were receiving such a large percentage of the Indians' money, and called it fraud. "The Indians themselves are industrious and many are good farmers sober and will make good citizens." Another complaint was made against Liberty. It was said that he was a drunkard, was separated from his 1/4 Coeur d'Alene wife, who had custody of his children, yet he had filed a claim for all of them in the amount of $9,096.76. Liberty's claim was temporarily suspended, until the Agent could investigate the matter. Liberty hired an attorney, however, and in the end the claim seems to have been paid.[417]

XIV The Harrison Townsite Cession, 1892-1894

As 1891 came to a close the Coeur d'Alenes believed they had finally secured permanent title to a reservation which they could call home "forever." Forty years earlier they had held 4,000,000 acres. Now their reservation totalled 345,000 acres. But they still controlled a large

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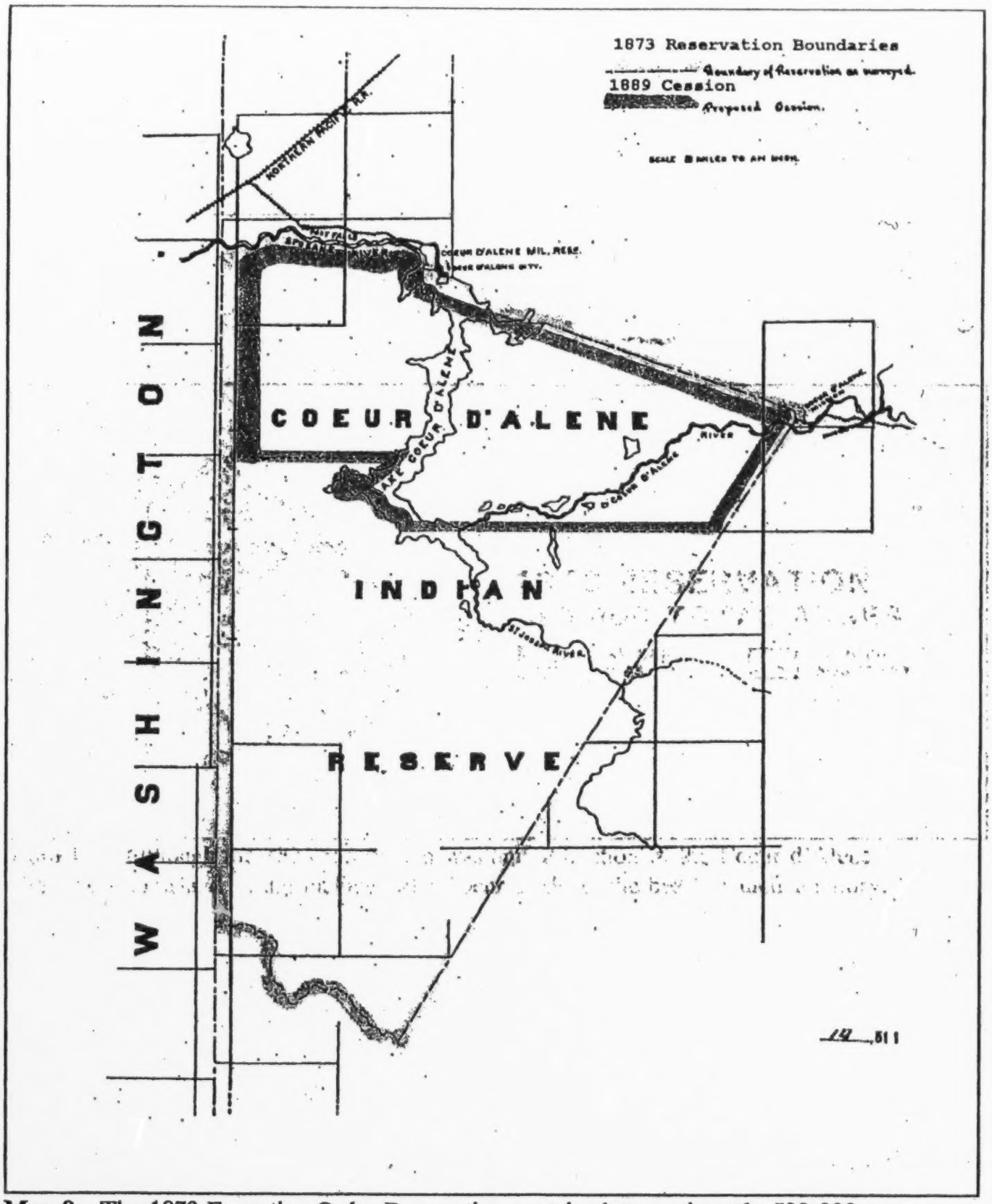
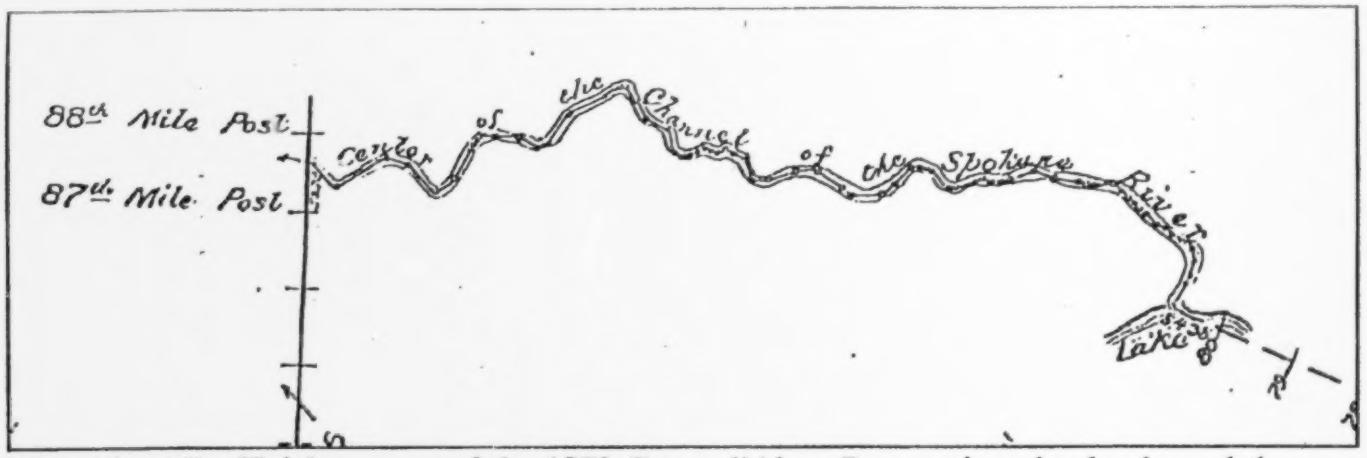
[417] Morgan to Cole, March 16, 1892, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [580]

Morgan to Cole, March 16, 1892, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [581]

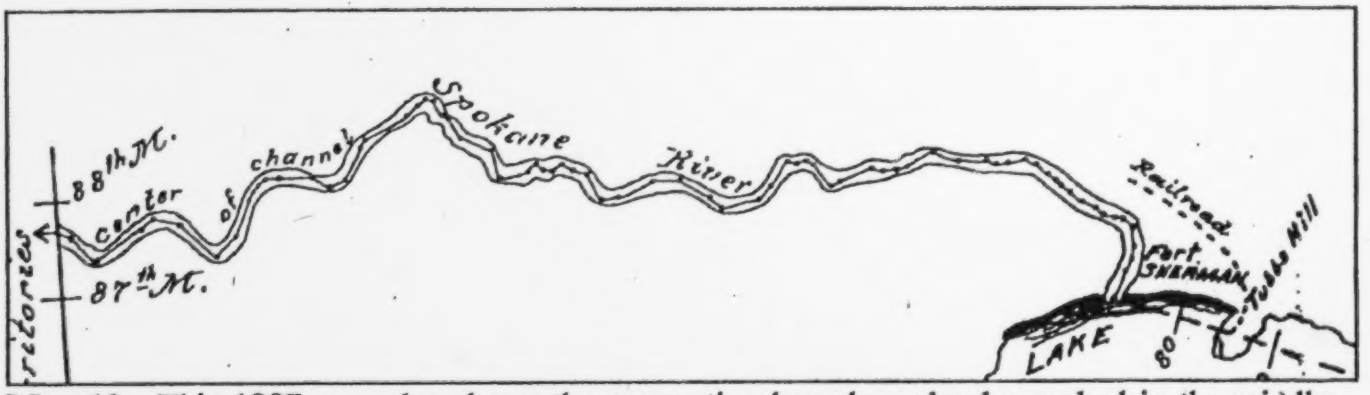
Franklin to Cole, March 21, 1892, Letters Received, Colville Agency, Record Group 75, Pacific Northwest Regional Archives; Seattle, Washington; National Archives. [582]



Map 9: The 1873 Executive Order Reservation contained approximately 590,000 acres. The 1889 cession reduced the reservation to about 345,000 acres. From Senate Executive Document [278].

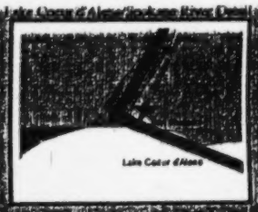


Map 11: All official surveys of the 1873 Coeur d'Alene Reservation clearly showed the boundary line drawn down the middle of the Spokane River. National Archives, 1883 [679].



Map 12: This 1887 map also shows the reservation boundary clearly marked in the middle of the Spokane River channel. National Archives, 1887 [476].

1889 Simpson Cession Proposal
(U.S. Understanding)



Lake Coeur d'Alene

Washington

Idaho

1:256587

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 Miles

Legend

- 1873 Reservation Boundary
- 1889 Simpson Offer
- Railroads
- Major Rivers and Streams
- Lakes

Pre-settlement Land Cover

- Prairie
- Forest
- Desert
- Wetlands

U.S.A. & COEUR D'ALENE TRIBE v. STATE OF IDAHO
Case No. CIV-94-0328-N-EJL

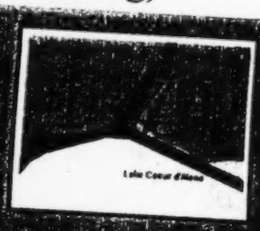
TRIAL EXHIBIT

* 2291*

COEUR D'ALENE TRIBE

Locator

1889 Tribe's Cession Response
(U.S. Understanding)



Lake Coeur d'Alene

Washington

Idaho

Pine C.

1:256587

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 Miles

U.S.A. & COEUR D'ALENE TRIBE v. STATE OF IDAHO
Case No. CIV-84-0328-N-EJL

TRIAL EXHIBIT

* 2292*

Legend

- 1873 Reservation Boundary
- 1889 Tribe's Cession Response
- Railroads
- Major Rivers and Streams
- Lakes

Pre-settlement Land Cover

- Prairie
- Forest
- Desert
- Wetlands

COEUR D'ALENE TRIBE

Locator

1889 Cession Agreement
(U.S. Understanding)

Spokane River

Fort Sherman

Lake Coeur d'Alene

Pacific RR

Washington

Idaho

Pine C.

1:256587

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 Miles

N

U.S.A. & COEUR D'ALENE TRIBE v. STATE OF IDAHO
Case No. CIV-94-0326-N-EJL

TRIAL EXHIBIT

* 2298*

Legend

- 1873 Reservation Boundary
- 1889 Cession Agreement
- Railroads
- Major Rivers and Streams
- Lakes

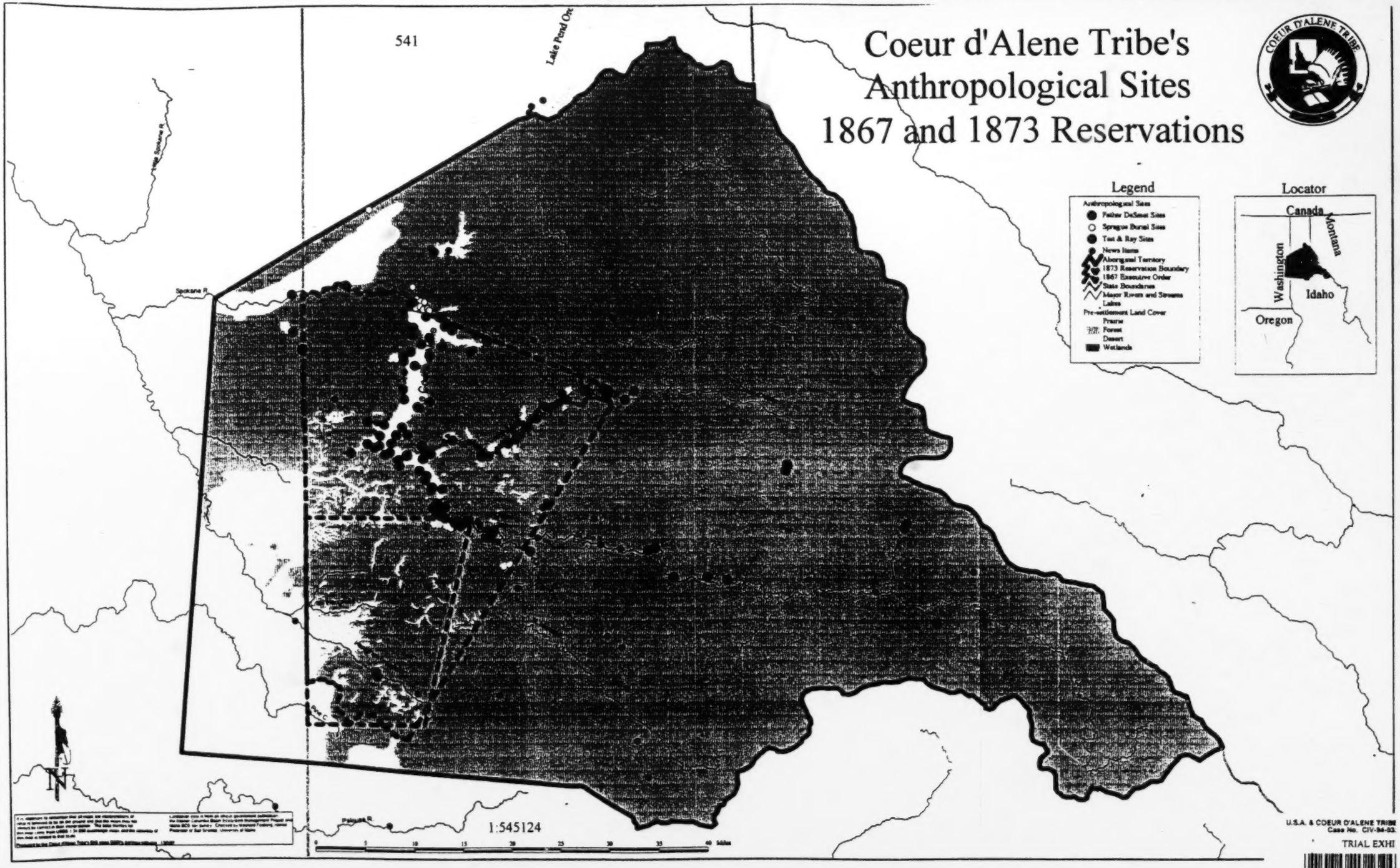
Pre-settlement Land Cover

- Prairie
- Forest
- Desert
- Wetlands

COEUR D'ALENE TRIBE

Locator

Coeur d'Alene Tribe's Anthropological Sites 1867 and 1873 Reservations



U.S.A. & COEUR D'ALENE TRIBE
Case No. CIV-94-03-
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